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Chair

The Honourable Larry Bagnell

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● (1535)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good afternoon, and welcome to the 106th meeting of the Standing Committee on Procedure and House Affairs. For members' information, this meeting is being televised.

Today, as we begin our study of Bill C-76, an act to amend the Canada Elections Act and other acts and to make certain consequential amendments, we are pleased to be joined by the Honourable Karina Gould, Minister of Democratic Institutions. She is accompanied by Allen Sutherland, Assistant Secretary to the Cabinet, and Manon Paquet, Senior Policy Adviser.

Thank you for being here.

Thanks for coming, Minister. I'll turn it over to you for your opening statement.

Hon. Karina Gould (Minister of Democratic Institutions): Thank you, Mr. Chair.

I want to apologize to the committee for my tardiness. As the member for Skeena—Bulkley Valley noted, I am going to blame my three-month-old son for that, who decided he was hungry just as I was leaving. Anyway, I want to thank the committee for inviting me here and for your commitment to study Bill C-76.

[*Translation*]

I would also like to thank Minister Brison, who acted as Minister of Democratic Institutions during my parental leave.

[*English*]

I am accompanied today by two officials, as you mentioned, Mr. Chair, from the Privy Council Office: Allen Sutherland, the Assistant Secretary to the Cabinet for Machinery of Government; and Manon Paquet, Senior Policy Adviser, Democratic Institutions Secretariat. The DI team at PCO is small but mighty. I cannot say enough about the work they have done to prepare Bill C-76. I really want to thank them for their hard work and dedication on this issue, but also on all things in our file.

[*Translation*]

Our government is committed to strengthening Canada's democratic institutions and restoring Canadians' trust and participation in our democratic processes.

[*English*]

We believe the strength of our democracy depends on the participation of as many Canadians as possible. By undoing the unfair aspects of the Conservatives' so-called Fair Elections Act, we are making it easier and more convenient for all Canadians to vote.

[*Translation*]

We are making the electoral process more accessible to Canadians with disabilities, as well as members of the Canadian Armed Forces, and we are restoring voting rights to more than one million Canadians living abroad.

[*English*]

We are strengthening our laws, closing loopholes, and bringing in robust enforcement regimes to make it more difficult for bad actors to influence our elections. We are requiring greater transparency from third parties and political parties so Canadians can better understand who seeks to influence their vote. This legislation will result in a modern, robust, and enforceable election law that addresses the realities of a modern election campaign.

[*Translation*]

Of course, none of this would have been possible without the hard work of this committee last year while it studied the recommendations of the Chief Electoral Officer, or CEO, after the 2015 election.

I believe you will find your work reflected in the legislation. Approximately 85% of the CEO's recommendations are contained in Bill C-76. This committee has already agreed in principle with over 50% of this bill.

[*English*]

There are also components of Bill C-76 that this committee has not studied. I appreciate that the committee may want to focus on these elements of the bill. Please be assured that my officials and I are prepared to provide whatever assistance you need.

Bill C-76 makes our electoral system more accessible for all Canadians. It increases the opening hours of advance polls, strengthens obligations towards Canadians with disabilities, expands voting rights to about a million Canadians living abroad, and makes it easier for Canadian Forces members to vote. The elections modernization act also encourages candidates and registered parties to campaign in a manner that will be more inclusive of persons with disabilities.

[*Translation*]

This bill also modernizes the administration of elections to make it easier for Canadians to vote, while maintaining strong and proven integrity measures.

As Minister of Democratic Institutions, one of my top priorities is to lead the Government of Canada's efforts to defend the Canadian electoral process from cyberthreats. Recent events on the international stage are a reminder that Canada is not immune from such threats. Bill C-76 proposes changes relating to foreign influence and online disruption that can be addressed within the Canada Elections Act.

[*English*]

While foreign entities were already banned from making contributions to political parties and candidates, our government is closing a loophole that allowed foreign entities to spend up to $500 on election advertising during the election period. In addition, all third parties will be required to maintain a Canadian bank account for all of their election-related revenues and expenses.

I also want to address the concern that foreign funds can be donated to third parties before June 30, then used during the writ or pre-writ period. Under Bill C-76, third parties are required to disclose the source of all funds they used during the writ or pre-writ period, regardless of when they received the funds. Further, any attempt to conceal the use of foreign funds for regulated activities in the pre-writ or writ period will be illegal under Bill C-76.

[*Translation*]

New provisions of the Canada Elections Act will clearly prohibit publications and advertisements—online and off-line—aimed at misleading the public as to their source. Similarly, fraudulent uses of computers aimed at affecting the results of an election will be strictly prohibited.

We all have a responsibility to combat foreign influence in our elections. Therefore, organizations selling advertising space will be banned from knowingly accepting foreign-funded election advertising.

[*English*]

In order to ensure compliance and enforcement, the elections modernization act includes several measures designed to make the commissioner of Canada elections more efficient and independent. The commissioner will now have the power to compel testimony and we will restore his power to lay charges. A new enforcement tool and administrative monetary penalties regime will also be at the commissioner's disposal.

Canadians expect electoral processes will be fair and transparent. They want to hear from all sides, not only from voices with the deepest pockets. These values have shaped Canadian electoral and political financing regimes for over 40 years.

[*Translation*]

However, the advent of fixed-date elections has been a game changer. Political actors and third parties are now able to plan partisan advertising campaigns ahead of the election period and, by doing so, circumvent the spirit of our laws.

● (1540)

[*English*]

Bill C-76 will define a pre-election period during which reporting requirements and spending limits will apply to registered parties and third parties.

The pre-election period will begin on June 30 of a fixed-date election year. It will provide more transparency by requiring third parties who spend more than $500 on partisan advertising, partisan activities, and election surveys to register with Elections Canada. Third parties will also have a legal obligation to identify themselves in advertising messages.

[*Translation*]

New spending limits will also apply to both third parties and political entities during that pre-writ period.

[*English*]

Mr. Chair, we cannot take for granted Canadians' trust in their democratic institutions. The Government of Canada is committed to ensuring that our electoral process is transparent, accessible, reflective of modern best practices, and secure and sheltered from undue influence.

[*Translation*]

I look forward to your questions.

[*English*]

The Chair: Thank you very much, Minister.

For the first round we'll go to Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Thank you, Mr. Chair.

Minister, it's good to see you again. Welcome back after your break. I've never had to be in that situation, but I can tell you it must have been absolutely wonderful at the same time. It is good to see you back again.

When we embarked upon this several years ago under what was then called the Fair Elections Act, there were some glaring omissions and glaring examples of what I thought was something that went against the idea that every Canadian citizen has a right to vote. It is our charter right to do so. There are things that bothered me.

The most egregious example to me was the voter information card, which we commonly call in rural Canada and the rest of Canada the voter identification card. Even though it doesn't carry that title, that is what it really is to these people. I used to see so many people, especially seniors, who would put a magnet on this card, and put it on their refrigerator to make sure that they went to vote. Not only was it a reminder, but it said who they were. I thought it was a great tool because it's one of the only national databases of identification. I'm glad to see that this legislation brings it back. I would love for you to comment on that.

The second part I would like for you to comment on is something which I thought was puzzling at the time. I'd like to hear your thoughts on the commissioner having the monetary penalties put now in front of them under this legislation, which I think is long overdue. They were removed from Elections Canada and put into public prosecutions where I thought the commissioner's role was still independent within Elections Canada, but they needed to be within that organization in order to get a better feel for their position.

There are two parts to the question. Could you talk about the VIC as we call it and also the commissioner being placed back to where they belong?

Hon. Karina Gould: Thank you very much, Scott, for your question and for your request on these two issues.

With regard to the VIC, the voter information card, this is really important for Canadians. In terms of establishing their residency, it's important to note that the VIC can't be used on its own, but can be used with other forms of identification to establish residency. When you think about it, there are not very many forms of identification that actually have your photo, your name, and your address on them. There are numbers of Canadians who don't have driver's licences, for example. For those Canadians, this is really important.

I thought that the acting CEO, Mr. Perrault, had a great point when he talked about the fact that this is actually about dignity for a lot of people. When you think about it, for a lot of married couples, particularly older couples, there might not be mail that comes in the name of both individuals, or there might not be bills or utility bills that could be used to establish residency. When I think about people in my community who really relied on the VIC, I think of elderly women in particular who needed that piece of identification, women who perhaps don't drive or have stopped driving and who don't have mail coming to them in their name that establishes residency with regard to Elections Canada.

In terms of re-enfranchising individuals and ensuring that we're providing dignity to voters and electors, I think it's absolutely critical that we re-establish the voter information card as a piece of identification that can establish residency when we're at a poll.

With regard to the second part of your question and putting the commissioner of Canada elections back within the house of Elections Canada, it's exactly what you're talking about with regard to being within that infrastructure as opposed to at the department of public prosecutions.

Furthermore, with regard to the commissioner, we've re-empowered the commissioner to lay charges and have also added a new tool, which is the ability to compel testimony in order to be able to enforce elections legislation. This was a case that was made very strongly by the commissioner. It's all well and good if we have in place a set of laws that are strict, that limit undue influence, and that really ensure people are abiding by the books, but if we don't have the tools and the ability to actually prosecute and ensure that those rules are being followed, then it's not strong enough. Personally, and on behalf of the government, I think this is very important to ensure that those laws are being upheld.

● (1545)

Mr. Scott Simms: I know you had discussions with former commissioners and the current commissioner. Did you ever get the feeling from talking to them that they had lost independence in any way, shape, or form by being within Elections Canada and working so closely with the CEO?

Hon. Karina Gould: No.

Mr. Scott Simms: Very good. That was what we heard the last time around.

There is another thing I'd like to talk about. I know this is pretty comprehensive, and I think the opposition accuses us of having an omnibus bill. If I may make their argument for them and dispel it at the same time, this is all about the Elections Act. As a former opposition critic of the—quote, unquote—Fair Elections Act, I can honestly say that it takes a lot to fix something that went so wrong at that time.

The other issue I want to talk about, which I think is a good initiative, is that of allowing younger voters to get involved before they reach the age of 18. There are two facets to this in this legislation. On the one hand, they can register to be future electors, and on the other hand, they can also be involved in working for Elections Canada. Could you talk about both of those, please?

Hon. Karina Gould: Yes, of course.

I'll start with the latter, which is that currently under elections legislation you have to be 18 to work in a polling booth. There was a very successful initiative out in British Columbia called "Youth at the Booth" during the last provincial campaign, which had high school students working on polling day. Elections BC talked about how great they were as poll workers, but also, it was a way to get them involved in elections and excited about the prospect of voting.

That's something the former CEO recommended in his recommendations following 2015. It's something that we think is an absolutely excellent initiative, particularly because we know that Elections Canada does struggle to fill the polls with poll workers during general elections.

By extending that pool, you're getting bright-eyed, eager students who are excited about this, and who then are also thinking about participating in the vote when they do turn 18, which leads to the idea of having a national youth voter registry. This basically would enable 14- to 17-year-olds to choose to register, so that when they turn 18, they get onto the electors list. Of course, that's kept in waiting until they turn 18. None of that information would be shared until they're 18, when the electors list is shared.

The Chair: Thank you.

Now we'll go to Mr. Richards.

Mr. Blake Richards (Banff—Airdrie, CPC): Thanks, Mr. Chair.

Minister, it's great to have you here. Welcome back to the committee. I think this is your first time here since you've been back from your brief leave. I wouldn't classify that as a break, myself, and I don't think you would consider it that way either, but we're glad to have you back.

I'll start with this, Minister. Do you believe it's important to make decisions based on evidence?

Hon. Karina Gould: I do believe it's important to make decisions based on evidence.

Mr. Blake Richards: I thought you might think so. As well, is there value in learning from the experiences of others and is that important?

Hon. Karina Gould: Always.

Mr. Blake Richards: Excellent. I thought we would agree on that too.

In doing this study, do you think it's advisable for this committee to study this legislation thoroughly and with those concepts in mind? Also, would it be prudent to hear from the relevant experiences of others to ensure we're getting the legislation right?

Hon. Karina Gould: Yes, which is why you're undertaking this study right now, and why PROC has already done 30 hours of study on almost half of this bill.

Mr. Blake Richards: Okay.

Given that we agree on those things, and given that Ontario is in the middle of an election where they're for the first time dealing with some changes they have made, some that are similar in nature or cover the same subject matter as some of the changes being proposed in this federal legislation, for example, the future voters registry, privacy policies for political parties, some limits and restrictions on spending by third parties, and government advertising restrictions, which is something the opposition has been suggesting as a potential amendment to this bill, would you say that it would be valuable for us to be able to hear from those involved in the Ontario elections, whether that be election officials, which we certainly should, or others who are involved in it, and hear about any of the difficulties they might have encountered in their experiences?

I think the last thing we would want to do would be to repeat any mistakes that might have been made there, or to not learn from those experiences when they're so readily available to us. What are your thoughts? Would it be advisable for us to hear from those involved in the Ontario election? Would you agree with me on that as well?

● (1550)

Hon. Karina Gould: The committee is independent and decides who to invite to listen to as witnesses, and I would not want to add to or detract from that. You will make your own decisions on that.

Mr. Blake Richards: You don't have an opinion on it? What are your thoughts?

Hon. Karina Gould: As we say, it's important for the committee to make those decisions.

Mr. Blake Richards: You don't have a personal opinion on whether that would be a valuable thing for us to learn from?

Hon. Karina Gould: As I said, I think the committee makes those decisions itself.

Mr. Blake Richards: Okay. Fair enough.

When this legislation was introduced, your government introduced a notice of time allocation after only one hour of debate. I would say that's certainly not the signal of a government that really legitimately intends to work with the other parties to try to bring forward something that will be in the best interests of everyone.

However, during the half-hour debate that occurred after time allocation was moved by the government, you stated a number of times that you felt it was really important that this move to committee because you felt this was the place where it could get the best discussion and where it could receive the full amount of the substantive debate that's required. I would like to get your opinion on how much time you would suggest would be required to ensure substantive debate.

Hon. Karina Gould: Again, as the committee is independent, I think it would be inappropriate for me to comment on that. That is really up to committee members to decide.

Mr. Blake Richards: Minister, I appreciate that. I agree with you that it certainly is up to us to decide, but our goal in having witnesses here is obviously to hear their expertise. Being the minister responsible, I would expect that you would obviously have some expertise, and it would be helpful for us to get your opinion and your thoughts on the matter. Would you have any sense as to what you think would be an appropriate amount of debate?

Hon. Karina Gould: I would be happy to answer questions on the substance of the bill, because I don't want to interfere with the committee's work and the independence of the committee on this, so if you have questions on the substance, I'd be happy to answer them.

Mr. Blake Richards: Let me just as an example, then, say this. When the Harper government pushed through the Fair Elections Act, would you say that there was an appropriate amount of time for debate in committee?

Hon. Karina Gould: As I said, I'm happy to answer questions on the substance of the bill here, Mr. Richards.

Actually, when we talk about working with others and ensuring that there is a substantial amount of input from other parties, 50% of this bill has been agreed to in principle by PROC and was worked on over the course of 2016 and 2017. I hope you see some of your work reflected in here. A big part of putting this bill together was definitely ensuring that the voices of different parties were reflected in this.

Furthermore, 85% of this bill is based on the recommendations of the CEO of Elections Canada, following 2015, to improve elections and to ensure we're upholding the highest level of democracy and integrity. I look forward to discussing the contents of the bill itself.

Mr. Blake Richards: I appreciate what you're saying about 50% having been studied before, but I'll point out that there was a significant amount of study done when the Fair Elections Act was passed, and I would hope that we would do the same here.

Since you're not willing to answer any questions about your thoughts in that regard, I guess, what about in regard to the House of Commons itself? Would your government commit to having at least as much debate in the House of Commons as there was under the Harper Fair Elections Act?

Hon. Karina Gould: Again, Mr. Richards, I'm happy to discuss the contents of the bill. Since you have me here, this is probably a good time to ask about that before I have to turn it over to officials.

Mr. Blake Richards: That's wonderful. I appreciate that. I would love to do that, and I would love to get some answers to some of the questions I'm asking as well.

Both you and the acting minister while you were away have said numerous times that you were open to amendments by the opposition. What would your thoughts be in terms of amendments? Let's say, for example, that there's an amendment that would have a donation limit for third parties being the same as it is for political parties. Would you be supportive of an amendment such as that?

● (1555)

Hon. Karina Gould: I wouldn't want to comment on that right now. I'd want to see the substance of the amendment and how it's worded before that, but we are open to amendments, so if you do have some, I would entertain them.

Mr. Blake Richards: Okay. I guess it's great to say that you're open to amendments, but you've just indicated to me that you wanted to talk about the substance of the bill. I'm now trying to do that and I'm asking you questions about amendments, and now you're telling me, well, you don't really want to comment on the substance of the bill, so I'm not quite sure what's left on that.

The Chair: Mr. Richards—

Mr. Blake Richards: Okay. I guess we'll have to try it again in the next round and see if we can get some answers then.

The Chair: Thank you, Mr. Richards.

Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Chair.

Minister Gould, welcome back.

From the reports from Elections Canada, how would you describe the incidence of voter fraud or attempted voter fraud within Canadian elections? Would you characterize it as a high incidence level in terms of democratic countries or relatively low?

Hon. Karina Gould: Relatively low.

Mr. Nathan Cullen: It was one of the arguments used by the previous government when they pushed through their voting changes unilaterally. They had the support of no other party.

You reflected particularly on women. I'll reflect on first nations in my constituency who have gone through this process, some of whom only have gained enfranchisement, or the right to vote, within their lifetimes. They've shown up at a polling booth where the polling clerk was a relative who was unable to vouch for them, nor was anybody else in the polling station, who may also have been related and, in some of the smaller communities, was certainly known to them. No one was able to vouch for them. They're often low income and don't have the proper ID. They're sent away from the polling station.

From the perspective of somebody who just in their own lifetime has gained access to our political conversation to then go through an experience, which is actually quite public, of being turned away and disenfranchised, with, as Mr. Richards talked about, all the evidence pointing in the direction that there is no sweeping voter fraud, using either the voter ID cards or vouching, can that experience not inform the way we consider the use of either of those tools to allow people to vote in our general elections?

Hon. Karina Gould: I think so. I think the reason I and the government feel so strongly about the voter information card and vouching is precisely to enable Canadians to have access to the right to vote. The right to vote is in section 3 of the charter, ensuring that people who have that right are able to cast a ballot.

Mr. Nathan Cullen: That section of the charter doesn't say a lot. It says Canadians shall vote.

Hon. Karina Gould: Yes.

Mr. Nathan Cullen: It doesn't say that they shall vote with a driver's licence or shall vote if they meet these various requirements.

I want to talk about other voter rights. Do you believe in a voter's right to privacy pre-writ and throughout the course of an election?

Hon. Karina Gould: Canadians are protected under PIPEDA and under the Privacy Act.

Mr. Nathan Cullen: We don't apply that Privacy Act to political parties.

Hon. Karina Gould: I appreciate the question. When putting this legislation together, I did draw heavily on PROC's recommendations. I know you weren't on the committee at that time when this came to the fore, but PROC had actually said not to do anything with regard to privacy at the time. Putting this forward I think is a good first step in terms of ensuring that there are privacy standards—

Mr. Nathan Cullen: Yes, but—

Hon. Karina Gould: —and policies put forward.

Go ahead.

Mr. Nathan Cullen: Let me challenge two things.

One is on that first relating of how PROC said nothing about bringing the parties under political privacy. There was conversation. It was Mr. Christopherson who was sitting in this chair, not me.

Second, things have happened since then. We've seen Cambridge Analytica, which your government gave a contract to. We've seen the effects of data mining through social media, and the ability to manipulate elections—I won't even say attempt to manipulate; I will say manipulate—through that ability to gather unbelievable amounts of information not just about voting groups, but about individual voters, to try to send them only certain information, some of it true, much of it not, as seen in both the Brexit experience and the recent U.S. presidential election. Many privacy experts and the interim and potentially permanent CEO of Elections Canada say that we need to do a lot more than Bill C-76 does when it comes to protecting voters' privacy.

Is your government open to doing more in considering bringing political parties under the privacy laws of Canada?

Hon. Karina Gould: I would say that with regard to the private companies that were mentioned—Facebook, Cambridge Analytica—they are covered under the privacy laws of Canada.

● (1600)

Mr. Nathan Cullen: But not a political party that mines information from those outlets.

Hon. Karina Gould: What I would say is that we are open to amendments. I would also say that I think it does merit further study as well, because I think it is quite a complex relationship. I also think there is an important relationship between political parties and citizens to engage and have that conversation, which is slightly different from a private company, because they're actually in Ottawa representing their political rights.

Mr. Nathan Cullen: Maybe.

Hon. Karina Gould: I would argue that there is a difference. That being said, I'm open to creative ideas.

Mr. Nathan Cullen: Do you believe a voter should have the ability to phone a political party or email them and say, "Tell me what you know about me"?

Hon. Karina Gould: Well, I think that's something that merits discussion amongst the members of PROC.

Mr. Nathan Cullen: But I'm asking you.

Hon. Karina Gould: I think it's a conversation we should be having with regard to privacy. Bill C-76 puts that conversation on the table.

Mr. Nathan Cullen: I know, but we have to vote on this legislation.

Hon. Karina Gould: This legislation outlines what the privacy policy is of parties. It also provides a contact person the individual voters can contact to ask information about—

Mr. Nathan Cullen: Yes, according to privacy experts, it goes little beyond the law that we have right now.

Hon. Karina Gould: Well, this is something that is important, because if a political party does not provide their policy at the time of registration and does not update it when they need to, then they become deregistered as a party. That's actually a pretty big deal.

Mr. Nathan Cullen: Your bill allows parties to still sell data. It would make it still allowable. That seems crazy to a lot of voters.

Hon. Karina Gould: They're not allowed to collude in any way, under this bill, so that would be part of it.

Mr. Nathan Cullen: They can collect data, which they get from Elections Canada and they get from multiple sources. We don't know what data political parties get. I just don't know what the resistance is. You say there's some sort of special relationship.

Hon. Karina Gould: The data that political parties get from Elections Canada is the voters list.

Mr. Nathan Cullen: Yes, and that's not it, though.

You say this is part of the conversation. We're in the conversation now. You've given us a 350-page omnibus bill and a very, very short amount of time, as you will admit, to look into it. We're trying to work with what you've given us in terms of time and a very large, 350-page bill. We want to consider modernizing this. You said it's a generational change. That means it doesn't happen very often. This should be something we ought to consider.

Hon. Karina Gould: I will be very interested to hear what your amendments are.

Mr. Nathan Cullen: As my very last comment, I'm going to look at a loophole in terms of foreign influence. Let's say the right wing—or the left wing, it doesn't matter to me—receives an amount of money offshore, displaces their current operating funds, and uses their current operating funds in their Canadian bank account to then run political ads, sponsor door-knocking, or whatever. Put simply, it's a displacement measure.

We've asked your officials if that could be done. Is that a loophole that exists within this bill? We've asked financial experts if it is a loophole that exists within this bill. We've been told yes. Does this present a concern to us in terms of trying to, as you said earlier, limit or eliminate entirely foreign influence on our elections?

Hon. Karina Gould: I think we've done what we can within the Canada Elections Act to limit foreign influence. With regard to the issue you raise, I think it is a legitimate one. The challenge, though, is that we would be asking all third parties to at all times report what they are receiving, whether or not they intend to participate in an election, and I think that poses a serious challenge to the charter.

Mr. Nathan Cullen: Don't you have to register to participate, though, in your bill?

Hon. Karina Gould: You do have to register to participate, so—

Mr. Nathan Cullen: They would be the only ones we'd be concerned about.

Hon. Karina Gould: Yes, but they also have to report. Once you registered to participate and decided to participate, then you would have to report all contributions you received since the previous election, regardless of where they came from. You have to state, when you open your Canadian bank account, that you're only using Canadian funds.

Mr. Nathan Cullen: Thank you.

Hon. Karina Gould: Again, if you have a creative amendment that ensures charter rights, I would be interested in hearing it. Thank you.

The Chair: Thank you very much.

Now we'll go to Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much.

Minister, welcome back. It's great to see you before the committee.

The Harper government's so-called Fair Elections Act made it harder for Canadians to vote and easier for people to evade our election laws. *The Globe and Mail* said, "This bill deserves to die." The Chief Electoral Officer at the time said, "I certainly can't endorse a bill that disenfranchises electors."

Why is it so important for the government that these provisions be repealed?

Hon. Karina Gould: It's for all of the reasons you just mentioned. It's also because, as we have discussed, it is a fundamental right of Canadians to be able to vote. Any measures that would limit their ability to vote, I think, should definitely, as I believe the government believes as well, be repealed and overturned.

● (1605)

Mr. Chris Bittle: Mr. Richards in his questioning alluded to the fact that you like evidence-based decision-making. He seemed to suggest that he enjoyed that as well, but it seems the previous government did not enjoy.... Especially having heard what the former chief electoral officer said about that bill, I can't imagine that if I went through *Hansard*, I would see Mr. Richards' objections to the Fair Elections Act, but I will leave that to some research later on.

Could you advise the committee as to what your department did regarding working with Elections Canada on this bill and recommendations?

Hon. Karina Gould: Certainly. As has long been the practice in Canadian elections legislation drafting, we worked with Elections Canada in the drafting of this legislation to ensure that it reflected the principles and that it was an effective bill in terms of having Elections Canada participate in that.

From 2006 until 2015, the previous government had eschewed any working relationship with Elections Canada. We do not feel that was necessary or right, and we therefore made a point of consulting Elections Canada. Furthermore, this bill is based on 85% of the CEO's recommendations from the previous election. I would note that many of the recommendations made between 2006 and 2011 were not included previously. There were a considerable number of recommendations we felt it would be important to move forward with to ensure we had a modern 21st century elections act.

Mr. Chris Bittle: What does Bill C-76 do to help under-represented groups participate in our democracy?

Hon. Karina Gould: First of all, the return of the use of the voter information card is very important in being able to establish residency for people who don't have the necessary identification. The second thing is with regard to vouching. As Mr. Cullen mentioned with regard to first nations individuals, vouching can be a very important practice to ensure that people who don't have ID can vote. Also with regard to people who live in shelters, for example, and who don't have an ordinary place of residence, this can really assist in ensuring they can cast that ballot. I think it's incredibly important for us as elected representatives and also in a democracy to hear from the most marginalized Canadians.

Additionally, with regard to Canadian Armed Forces members, you may not think of our military women and men as under-represented groups in elections, but actually only about 40-odd per cent of them voted in 2015. We worked with the Canadian Armed Forces in drafting this section of the legislation, part 11, that would make it easier for them to cast their ballot.

Finally, I would look to the youth voter registry in the sense of encouraging more young people to vote. We know that one of the biggest barriers to young people voting is the fact that they are not automatically registered when they turn 18. For them, having the opportunity to register and to, in fact, receive a voter information card lets them know they are part of the process as well and that they can participate.

Mr. Chris Bittle: What are the obstacles that exist for members of the Canadian Armed Forces, if they are voting at rates substantially lower than those for the rest of Canada?

Hon. Karina Gould: For one, if you are a Canadian Armed Forces member who is deployed abroad, you don't actually carry identification that would identify your address. Ensuring that we are still working with integrity measures, this would enable Canadian Armed Forces members to vote and protect their security as well.

Additionally, Canadian Armed Forces members can now choose where they cast their ballot, whereas previously they weren't able to do that. This is important so they can cast their ballot in their place of ordinary residence.

Mr. Chris Bittle: Spouses as well?

Hon. Karina Gould: Yes.

Mr. Chris Bittle: Many people want to run for office but can't because they have obligations at home, whether child care or care for a parent or spouse. What does this legislation do to make it easier for Canadians to run for elected office?

Hon. Karina Gould: Whereas previously individuals who had child care or other care needs for individuals in their family could claim up to 60% of their care within their spending limit, we have removed that from the spending limit so that it can be an additional expense. Also individuals can use their personal funds, and they can be reimbursed up to 90%, because we want to make sure that having children or a family member who needs additional care is not a barrier to running for office.

It's not the be-all and end-all, but it is something that I think is important and that will be of assistance.

● (1610)

Mr. Chris Bittle: The previous government introduced fixed election dates but didn't seem to abide by that. What changes are in Bill C-76 to help respond to how fixed election dates have changed campaigns?

Hon. Karina Gould: Fixed election dates have by nature fundamentally changed how we run elections in Canada. Previously, you didn't know when an election was going to happen, so you therefore needed to be nimble and agile and able to spend, if that was your choosing. With a fixed election date, we saw in 2015 that really campaigning started about six months ahead of time. That's completely different from the tradition and culture of elections that we've had in Canada.

This legislation in particular establishes the pre-writ or the pre-election period beginning on June 30, after our Parliament rises, to constrain both political parties and third parties ahead of the general election, still maintaining the focus on the general election while also trying to maintain a fair and level playing field.

The Chair: Thank you.

Now we'll go to Mr. Richards.

Mr. Blake Richards: I'll pick up where we left off.

I think it boils down to this. I'm here today to try to determine whether there is some way we can work together. There are obviously elements of this legislation that we just disagree on. That's fine. But there are probably some other areas where we can work together to try to see if we can strengthen the bill and come up with something where everybody can feel comfortable that there are some improvements to the elections law and that you've really tried to work with all other parties. What that requires, though, is some give-and-take and back and forth.

I'd like to try again. You wanted to speak about the substance of the bill. I'd like to ask you about some amendments, or areas that could be looked at in terms of amendments, and get your opinion and thought on those items. For example, I asked earlier about the donation limit for third parties and the idea of potentially making that the same as it is for political parties. What would be your thoughts on something like that?

Hon. Karina Gould: We have to think about third parties more broadly than political parties, because third parties are not just established for the purposes of an election. Third parties include unions. Third parties include other organizations that don't necessarily have donations and who use their funds in different ways.

Whereas I appreciate the direction you're going in, I'm not sure it applies entirely to third parties.

Mr. Blake Richards: Okay, so it sounds like there's maybe not entirely an openness to that one.

Let's try another one in terms of third parties and foreign funding. For example, let's look at foreign funding in terms of prohibiting organizations registered as third parties from being able to participate if they have received foreign funding, or if they have received funding from a Canadian organization that received foreign funding. What are your thoughts on something like that?

Hon. Karina Gould: I think it would face serious charter challenges limiting them because they at one point received foreign funding for something that could be unrelated to an election.

Mr. Blake Richards: Sure, but I guess the issue there is whether that is indirect foreign funding, where collusion happens and things like that. At any rate, we'll move on and try another one.

What about ministerial travel and government advertising? I've asked you about this before. It doesn't seem like you are open to the idea of harmonizing those restrictions with the same ones that are put on political parties in the pre-writ. What about requiring ministerial travel and government advertising to be included during the pre-writ as part of a party's spending limit?

Hon. Karina Gould: You will note that there are no restrictions on a party's spending on travel. The only thing would be on advertising. It's strictly on advertising but not on activity during the pre-writ period. I think that's an important distinction to make.

Mr. Blake Richards: Sure, but you wouldn't be open to trying to harmonize that with the requirement on government, or...?

Hon. Karina Gould: Well, the government still has business to conduct, as do members of Parliament, so I don't think that would be —

Mr. Blake Richards: Okay, so again, it doesn't sound like there is an openness on that one.

What about the idea of requiring overseas voters to show some kind of intention to return to Canada to be eligible to vote? This law changes it so there is no reason for them to show any kind of intention to return to Canada. What about an amendment that would show some kind of intention to return to Canada, at some point?

● (1615)

Hon. Karina Gould: What this legislation does include is that in order for Canadians who live abroad to vote, they have to demonstrate a previous residence in Canada. They would cast their ballot in that place—

Mr. Blake Richards: They don't have to show an intention to ever want to return. That's a change that's being made as well. What about an amendment to—

Hon. Karina Gould: I think that would be very difficult to enforce, Mr. Richards.

Mr. Blake Richards: Okay. Again, it doesn't sound like there's any openness there.

What about by-elections? There's a change here that increases the amount of time when a by-election can't be called. What that then does is to leave this weird situation where there can be a vacancy for over a year before an election. What about an amendment that might reduce the amount of time where there's a restriction on a by-election being called? Would you be open to something like that?

Hon. Karina Gould: That's a direct inclusion from the recommendations from this committee in the bill—

Mr. Blake Richards: You're not open to an amendment on that?

Hon. Karina Gould: —but what I would also say is that one of the reasons this committee recommended it is that I believe part of that recommendation was—

Mr. Blake Richards: Sorry Minister, but I only have 15 seconds —

Hon. Karina Gould: —specifically because there were by-elections—

Mr. Blake Richards: —so I'm going to have to cut you off because I have one more question I want to ask.

Hon. Karina Gould: —that were used to elongate the writ period and to take advantage of the pro rata—

Mr. Blake Richards: It doesn't—

Hon. Karina Gould: —that the previous government had put in place.

Mr. Blake Richards: It doesn't sound like you're open to an amendment there. I've tried about five different things. None of them seem acceptable. It—

Hon. Karina Gould: Well, "open" and "accepting" are two different things.

Mr. Blake Richards: It doesn't sound like a real commitment there when everything is shot down.

Hon. Karina Gould: Well, there are for sure an openness and a commitment—

Mr. Blake Richards: Minister, could you at least commit, then, that you would call off this extremely undemocratic practice of Elections Canada implementing this legislation prior to it being passed by Parliament? I think that's obviously unprecedented. Would you at least commit to that? Would you at least commit to no more use of time allocation or closure?

Hon. Karina Gould: Mr. Richards, you are grossly misrepresenting the relationship between Elections Canada and the Government of Canada. The Government of Canada—

Mr. Blake Richards: You can certainly indicate that it shouldn't be implemented.

Hon. Karina Gould: —has at no point instructed Elections Canada to implement this legislation.

Mr. Blake Richards: You have the ability, Minister, to instruct them not to.

Hon. Karina Gould: We actually do not. Elections Canada is independent from the Government of Canada. The acting CEO—

Mr. Blake Richards: Would you commit to not using time allocation and closure at least?

Hon. Karina Gould: —of Elections Canada will be happy, I'm sure, to answer on his own behalf, but as is—

Mr. Blake Richards: Okay. Let me ask about what you do have the ability to commit to.

Hon. Karina Gould: —the case right now, with the by-election currently ongoing, Elections Canada recently put out a press release to state that the VIC is not acceptable right now because the elections legislation has not yet been changed.

Mr. Blake Richards: Would you at least commit to not using time allocation and closure? That is within your jurisdiction to be able to say. Would you at least commit to no more time allocation or closure on this?

Hon. Karina Gould: I hope that we can all work together on this committee to get this done in time for 2019.

The Chair: Okay. Thank you.

Mr. Blake Richards: I think I can understand what the code word is there as well.

Thank you, Minister.

The Chair: Let's go to Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you, Chair.

Minister, first all, congratulations. I think we're all very excited for you on the birth of your child.

In 2008 I was a young volunteer on a by-election in Guelph. One morning while I was working in the office we started getting a whole bunch of phone calls that Liberal supporters all over the riding were having their brake lines cut. We started getting reports over the course of the next couple of days that across six or seven ridings in southwestern Ontario people had cut the brake lines of Liberal supporters and painted "Liberal" on their houses.

Then, in 2011, voters in Guelph and a handful of other ridings were phoned with a bilingual message claiming to be from Elections Canada directing them to vote in a different polling location than their voting cards stated. In many cases, these were very far away from their voting locations. A judge ruled that these people were called from the database belonging to the Conservative Party. Only one person was charged and convicted in this case, and there's nobody who believes that this person, if they acted at all, did so on their own.

The investigator, under the auspices of the commissioner, had a very limited ability to conduct that investigation, had to tolerate the Conservative Party's lawyer's presence at every single witness interview, and had no power to compel any testimony or to subpoena any actual materials.

Were the robocalls scandal to happen again in 2019, would the elections commissioner, under this act, have an improved ability to investigate? Do you believe this act will help dissuade the obvious election fraud conducted in 2011? What further powers does the elections commissioner have and why?

Hon. Karina Gould: I can't comment specifically on what happened in previous elections, although I can say that I think these powers would definitely enable the commissioner of Canada elections to investigate more thoroughly any allegations or instances of attempting to misdirect individuals to vote at a different polling location.

I've heard compelling recommendations from the commissioner himself with regard to why it would be important, specifically because, as you know, with regard to the ability to lay charges, it's something that's under the office of public prosecutions. He has to get into a lineup, in terms of when that's able.... That can take a long time. Particularly when it comes to elections legislation, the timeliness of being able to lay charges is really important. It's important to demonstrate that the elections law is upheld. It's important to demonstrate that we as a country do not tolerate transgressions of elections legislation, and it's important to be able to actually pursue the case itself.

Number one, the ability to lay charges is very important. Number two, the ability to compel testimony is also very important, because when you have strong party systems and strong party loyalty, which, as you know, all of us who come from different political parties can understand, it can be difficult for individuals, who perhaps know something, to feel that they can say something or would say something. The ability to compel would give the commissioner the ability to further question.

What's important as well within this is that while he would have the ability to compel testimony, you cannot self-incriminate when you're being compelled to testify. When we're dealing with big scandals that have a big impact on the outcome of an election, it is important that there are the teeth to be able to uphold what really is excellent electoral legislation worldwide.

● (1630)

Mr. David de Burgh Graham: Do you have any idea of what would have been gained or what was the purpose of moving the elections commissioner out of Elections Canada? What purpose was served?

Hon. Karina Gould: You would have to ask the previous government. I don't know.

Mr. David de Burgh Graham: Can you explain the inverse for us?

Hon. Karina Gould: Explain the reverse...?

Mr. David de Burgh Graham: Yes, how it helps us to bring it back under Elections Canada's auspices.

Hon. Karina Gould: Well, it's good for them to be in same area in working on elections issues. They still maintain that independence, but they are also able to pursue elections-related charges in a timely manner.

Mr. David de Burgh Graham: How much time do I have?

The Chair: You have 40 seconds.

Mr. David de Burgh Graham: I will let it go.

Thank you, Minister. I appreciate this.

The Chair: Thank you.

Now we'll go to Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you very much.

I'm glad to see you here, Minister. Just as I said before in the House, I'm very glad that you're back in the Commons, not just because I like you personally, but also because I think it's helpful with a bill like this—and with any bill, but especially one of this size—to have the minister here, as opposed to a temporary minister. I'm making the assumption that you were involved in the drafting of the bill and that Minister Brison was not. It's just harder, I would think, to defend and to shepherd through a bill that you didn't have a hand in designing compared to one that you did. Having said that, I'm very pleased indeed to see you here.

You've indicated an openness to amendments, and I wanted to ask about one very specifically because, as you know, it is very near and dear to my heart. We discussed it, you and I, before the bill came to the House, when it was in the very early drafting stages and you were asking about suggestions we might have. This is the idea of the provisional ballot.

For the benefit of those who may not be familiar with the term, the idea is that when a person comes in to vote and lacks any ID, they can still vote, but the ballot gets placed into an anonymizing envelope, just as if they had submitted it. On the outside of the anonymizing envelope, they put down their information. In the event that the number of provisional ballots in that kind of anonymizing envelope is large enough to be greater than the margin of difference between the two leading candidates, at that point they're authenticated. Those that are for real are then used to decide the election. This ensures both that nobody who has the right to vote is turned away and that nobody votes fraudulently who does not have the right to vote—or even to vote in error, if they're not citizens and that kind of thing.

This wasn't in the bill. Would you be willing to consider putting it into the final version of the bill? If we introduced amendments to that effect, would you be willing to accept them?

Hon. Karina Gould: Thank you. I do remember that conversation we had, and I'm glad to be back and glad to be working with you once again.

One of the concerns with that, although I would be open to looking at it a bit more in depth, is ensuring that when individuals come to the polling station, they're not sidelined off somewhere else. I think there is still a question of dignity with regard to casting a ballot, but I would be open to looking into that a bit more. However, I think the reason it was not included was that we wanted to provide as much dignity for an individual as possible when they go to the polling station.

● (1635)

Mr. Scott Reid: Right. I don't think you'd find there's anything undignified about the process, which is used in a number of other jurisdictions. As things stand, someone who comes in and has to go through a process of either getting a written attestation or vouching does have to step physically to one side, depending on the layout of the station. They vary significantly depending on where they are. As you know, they can be put into church basements, community halls, fire halls, you name it. I must say I literally can't think of anything about this that could be categorized as undignified, but I will ask the Chief Electoral Officer as to his views on the subject when he's here later today. Obviously dignity is of concern to him.

Leaving that aside, I'll just point out that, in the absence of doing something like this, even with the vouching provisions that have been returned to this draft bill and the provisions for voter information cards being used as proof of residence, there's still a hole that's being left here. It's one that was in play during the Wrzesnewskyj and Opitz ruling, in which an attempt was being made at the Supreme Court to decide which of those two had been elected. This is the issue of people who are at mobile polls. Frequently, senior citizens, in many cases who are in residences, don't have identification. There's no one at their poll who can vouch for them because only other seniors in a similar situation—that doesn't include the staff—can vouch for them, and they're unlikely to either have the ID or to, in many cases although this isn't universally true, have a voter information card that would establish residence. They could be in a situation where either they can't vote or they have to vote in a way that is not permitted under this legislation.

What I'm suggesting would cure that problem. Nothing in the legislation as it stands now would cure that problem.

Keeping that in mind, Minister, I wonder if you'd be that much more open to the idea of adopting the provisional balloting suggestion.

Hon. Karina Gould: I'm not sure why they wouldn't be able to vote, because for individuals who live in shelters, long-term care facilities, on reserve, and one or two other provisions, the staff can actually write an attestation for everyone who lives there to ensure they have the right to vote.

Mr. Scott Reid: Sure. In the case of the polls that were in question before the Supreme Court—certain polls were looked at in that ruling—I think you'll find that actually hadn't happened, and there was a technical reason why it hadn't happened. I have to admit I can't recall the details right now, but I do think this would resolve a problem that has not been dealt with through other means.

Hon. Karina Gould: I would be happy to look into that further then.

Mr. Scott Reid: Okay.

The Chair: Thank you very much.

Mr. Simms, you don't have the full time. There's only four minutes left, but you can have four minutes.

Mr. Scott Simms: Oh. That's very generous of you, sir.

The Chair: You're using it now.

Mr. Scott Simms: This is a question about candidates. I've been through five elections. I've met so many candidates, successful and unsuccessful, and there are a couple of provisions within this that would help a lot of people out. One that's very appropriate not just for you but for other people I've met is with regard to child care expenses as well as disability expenses and how it is going to be easier now for candidates, when it comes to claiming up to 90% of these expenses. I think it is long overdue, because I've seen first-hand just how difficult it is for people in this situation.

You touched on the other aspect, too, which is getting people who have disabilities to vote. That's wonderful, and I think that, too, is long overdue. Could you comment on allowing candidates...in those two areas, disabilities and child care expenses?

Hon. Karina Gould: Certainly. I think this is a fairly important provision, because previously, while you could claim 60% of your expenses for child care or for caring for an individual who requires it in your family, that had to fall within the spending limits of your riding that you had as a candidate, and now that can fall outside. You can use personal funds for this, so it doesn't put you, as a candidate, at a disadvantage compared to another candidate who may not have those expenses. Additionally, you can be reimbursed for up to 90% of those. I think that is quite important for ensuring the diversity of candidates, which we so hope to have in this country.

The other part you mentioned, which I'm very excited about and which I think is actually really wonderful, is an incentive for political parties and candidates to provide material in an accessible format, up to $5,000 per candidate per riding and $250,000 for political parties. This is something we heard about from the accessibility group at Elections Canada. It was very important for them, because they feel in many ways that they are not included when it comes to material, when it comes to advertising, etc., in an election, and they really want to be part of it. I think that is really very exciting.

● (1630)

Mr. Scott Simms: The other part that I particularly like is the one that allowed people to vote from home. Just to get further comment from you or the officials, there are further allowances here to allow people to vote at home if need be.

Hon. Karina Gould: Yes, in recognition of PROC's recommendation but also the recommendation from the CEO of Elections Canada, this would allow the CEO of Elections Canada to have more flexibility and more discretion with mobile polls and at-home voting, particularly for individuals who have a disability but also with regard to transfer certificates.

For example, if you have a disability and your polling station is not accessible to you, you have greater flexibility in where you cast your ballot within your own poll. That's something that I think is also very important.

Mr. Scott Simms: Okay, good.

The Chair: Mr. Cullen, do you want 45 seconds?

Mr. Nathan Cullen: I do.

We've talked about better gender representation in the House. It's a woeful 25% or 26%. We had a bill that was proposed by Mr. Kennedy Stewart, whom you well know. Would you be open to including some measures to encourage parties to run closer to gender parity slates? Your leader, in fact, has chosen to protect incumbents. The assumption would then be that if your party is successful in the next election, we're not going to move much from 25% in the House of Commons.

You didn't move for proportional representation, which we know increases gender representation, so we're looking for some way to see the House of Commons actually look like Canada.

What openness do you have to including elements of Bill C-237 in this elections act?

Hon. Karina Gould: With regard to Mr. Stewart's bill, I'm not sure that penalizing parties for not running at gender parity or close to gender parity—

Mr. Nathan Cullen: It just doesn't return as much taxpayer money to parties that don't.

Hon. Karina Gould: Sure, I just think that a penalty system is not the right way to go with this.

However, what I do think is that if there are creative mechanisms or ideas with regard to increasing more women's participation as candidates, I would be open to those.

I also think that it's about more than elections legislation when we talk about encouraging more women to run for office. I think that the demeanor in the House is certainly one thing that we could be working on more, when we think about women in politics. I think that for all of us as members of Parliament, as leaders in our communities, reaching out to women to encourage them to run is also important. Furthermore, other things we're doing as a government, such as having a gender parity cabinet, reaching out to having more women on boards, encouraging women in STEM, and encouraging women in politics are all good things that we should keep doing.

Mr. Nathan Cullen: It's disappointing. I think this is a creative way. You asked for a creative way. This is taxpayer money that we return to parties. They're not entitled to any of it. Our policies could prescribe a way to encourage women to run. Decorum might be one thing, but if you don't have women candidates, it's very hard to have women MPs.

The Chair: Thank you very much, everyone.

Thank you for coming, Minister.

Hon. Karina Gould: Thank you for having me.

The Chair: We look forward to ongoing dialogue.

We're going to suspend for a moment to change the witnesses here.

● _____ (Pause) _____ ●

● (1635)

The Chair: Good afternoon. Welcome to the 106th meeting of the Standing Committee on Procedure and House Affairs.

Mr. Sutherland and Ms. Paquet will be joined by Jean-François Morin, Senior Policy Adviser, for the next portion of today's meeting.

Thank you all for being here.

Just so the committee knows, we have recently received two documents from the department, the elections modernization act, and this little one here is the clause-by-clause.

Blake, have you read this yet? It came this morning.

● (1640)

Mr. Blake Richards: Yes, four times already.

The Chair: Okay, good.

We just got something on the bill by email from the Library of Parliament.

Do you want to explain what you just sent us?

Mr. Andre Barnes (Committee Researcher): I believe that will only be half of the briefing note that we prepared for the committee. Due to its length, translation is sending it to us in chunks, so you can expect more.

The Chair: Okay.

Mr. Andre Barnes: Our apologies. We were expecting to meet on Tuesday, not Monday, so we were gearing up to have it for tomorrow.

Mr. Nathan Cullen: Did you send it to P9 or our general accounts?

The Chair: It wouldn't have gone to you because you weren't sworn in.

Mr. Nathan Cullen: Oh, it went to Mr. Christopherson.

The Chair: It went to Mr. Christopherson.

Mr. Nathan Cullen: Is there a way to forward me a copy? Thank you.

The Chair: Our witnesses don't have any opening statements, so we're ready for questions.

Who wants to go first?

Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you, Mr. Chair.

Thank you for your presence here today.

I want to start by speaking about student engagement. I worked in a high school for 20 years, and I currently represent a riding that has three post-secondary institutions, so student engagement and student participation are very important to me.

This issue of the voter information card has come up. We often connect it with seniors, but I think it's also important for students, because not all students have driver's licences. My daughter is a perfect example. Bills come to me, not to her, at my house, and she still lives with us, so I think that the use of the voter information card as a piece for vouching is important, and you're using that in conjunction with other identification so it doesn't stand alone.

I'm looking at other things this bill does that encourage student participation and engagement. I would like first for you to comment on the youth registry. Can you explain how that works, how the information is kept, and how the information is gained in the first instance?

Mr. Allen Sutherland (Assistant Secretary to the Cabinet, Machinery of Government, Privy Council Office): I'll just take a moment on the voter information card to say you're right that both students and seniors are least likely to have indications of residence, so the voter information card might be particularly important to those two groups.

On the issue of further improving engagement among students, it has been a long-standing problem that our next generation do not vote as often as older generations. We saw a bit of a change in the last election. It's something I know Elections Canada, indeed, all people interested in democracy, want to continue.

There are a couple of proposals in the proposed legislation that I think deal with it. One is the registry of future electors. The idea here is to develop a registry of young people who would, upon their 18th birthday, be registered for elections. The idea is that they would help develop that first appetite. The mystery of voting would drop when it's included, in fact, with civics classes, which some high schools have. I know Ontario has it, and other provinces do too. The idea of the registry of future electors plus civics classes would help demystify voting and get young people that first taste of voting, and once they have acquired that taste, it would ensure we have electors for life.

The other element that I think is important is participation in Elections Canada. There's a real issue the year of an election getting a sufficient number of people to work the polls, do all the interesting, supportive things we expect as Canadians to ensure the polls work well, and get the experience of Elections Canada. In her remarks, the minister mentioned the B.C. experience about the Youth at the Booth program, all of which suggests that, in fact, it's a great idea to get youth involved, let them see behind the scenes how elections really work, help create that taste for voting, and create that solid democratic foundation that we want to continue as part of our culture and heritage.

● (1645)

Ms. Filomena Tassi: I think that's great. I think the polling stations are probably more advanced in technology than any of us. I know they're going to speed things up.

With respect to the safety of the information, the names and addresses of the students, can you give assurance that this information is safeguarded and protected? Who has access to that information?

Mr. Allen Sutherland: First, you're absolutely right about the technology part of it, and I think Elections Canada has thought of that.

The information in the registry would be held by Elections Canada. Just to assure everyone, Elections Canada is behind the Government of Canada firewall and so has the protections that entails.

Ms. Filomena Tassi: You made a comment in your answer to the previous question that there was a bit of an increase in youth participation in the last election. Do you have the research that indicates what that can be credited to?

Mr. Allen Sutherland: It was an increase of about 10%, if I recall. I think it was just the level of—

Do you know the number?

Ms. Filomena Tassi: No, I don't.

Mr. Allen Sutherland: Okay. I thought you did.

Ms. Filomena Tassi: I was just raving about the Prime Minister. He may have been the one who drew them to the....

Mr. Allen Sutherland: It was interest in the campaign, we believe.

Ms. Filomena Tassi: Yes.

The one thing I witnessed in my own riding that I thought was spectacular was that the advanced polling....

There was an opportunity for students to vote at the university campus, which is where my son and I went to cast our votes.

Having it on campus did a number of things. It created awareness. Different groups and clubs within the university, non-partisan included, would encourage people to vote. It was easy. The students could go there and vote in advance.

Do you think that might have been part of the increase?

What's the plan in looking at the numbers of polling stations, for example, that were included in the last election and those moving forward? Are we going to increase them? What sort of increase are we looking at?

Mr. Allen Sutherland: The proposal in the legislation is to extend the hours of advance polling from nine to nine. It has more in mind, I think, to provide a little more flexibility to the adults who have day jobs.

You're quite right. Advance polling has been a big success story in recent years in getting the vote out. About 25% of Canadians voted in advance polls last election.

Ms. Filomena Tassi: I want to address the wait times. I think we all face this.

The Chair: You have 30 seconds.

Ms. Filomena Tassi: Quickly then, what are we doing to reduce wait times? We know there are surges in polling stations. People get off work, and then you have the surge. What is being done in this legislation to help reduce wait times when people are going to the polling station to vote?

Mr. Allen Sutherland: A couple of things in the proposed legislation address that issue.

One of them is more flexibility on the part of Elections Canada to deploy their staff more effectively. There are a lot of hidebound rules in the current legislation; people can do some things but not others. The CEO needs more flexibility in how he deploys his staff.

The other thing is just smart use of technology. The modernization part of this proposed legislation would allow improved use of technology to get people through the system more quickly. Some rules around signatures will be dropped in the case of advance polls. While maintaining integrity, that's seen as a way of moving people through the system so they have a better experience when they're voting.

I think the other thing is—and we've all experienced this—you're in the queue at the grocery store. If your lineup is really long and there's a short lineup, previously in Elections Canada you couldn't move to the short lineup. What's being proposed in the legislation is the ability to move people to where the lineup is shortest so they can move through the system more efficiently.

Ms. Filomena Tassi: It's not an alphabetical or a geographical queue.

Mr. Allen Sutherland: Exactly.

Ms. Filomena Tassi: Okay, very good.

The Chair: Thank you very much.

We'll go to Mr. Reid.

Mr. Scott Reid: Thank you very much, Mr. Chair.

I'll get my timer up so I use my time efficiently.

Is it a seven-minute round right now?

● (1650)

The Chair: Yes.

Mr. Scott Reid: Thank you.

I want to talk to you a little about the bill's provisions regarding spending limits for registered third parties during the writ period and the new pre-writ period that starts.... I've forgotten. Is it June 1 or June 30?

Mr. Allen Sutherland: It's June 30.

Mr. Scott Reid: Okay, let me start with that one.

It kicks in on June 30. Let's say there's a minority government in the next Parliament, the 43rd Parliament. If I'm not mistaken, it just says June 30. It doesn't say *x* number of—

Mr. Allen Sutherland: Next election year.

Mr. Scott Reid: Right. What happens in a Parliament where there's a minority government and therefore there's the potential for an unscheduled or early election? Is this simply not in existence in those situations?

Mr. Allen Sutherland: History would tell you that you wouldn't get to the fixed election date.

Mr. Scott Reid: It would tell you that. No, I appreciate that. I'm not trying to challenge the logic; I'm trying to figure out what happens.

Mr. Allen Sutherland: I'm just trying to help. If the government were to fall prior to the fixed election date, you would run under the regular rules, so there would be no pre-election period. It would not be possible to set up because you wouldn't know in advance when the government was going to fall.

Mr. Scott Reid: The writ period remains the same in that eventuality.

Mr. Allen Sutherland: Yes.

Mr. Scott Reid: You don't have the writ pushed back further in order to obtain some of the benefits. There's no shift in the length of the writ period in the event of an election occurring on an unfixed date.

Mr. Allen Sutherland: You're correct, Mr. Reid. The provision around the 50-day maximum would not apply, either.

Mr. Scott Reid: Was there an adjustment made to the minimum period for writs in the bill? I can't remember.

Mr. Allen Sutherland: No, it's simply a 50-day maximum.

Mr. Scott Reid: Were there changes made to the length of by-elections, maximums or minimums?

Mr. Allen Sutherland: No, just what Mr. Richards said, that in the nine months proceeding the fixed-date election you could not call a by-election.

Mr. Scott Reid: Other than that, there are no changes made?

Mr. Allen Sutherland: I'm just checking.

Manon simply adds that the 50-day maximum also applies to the by-election.

Mr. Scott Reid: It's not hard to imagine a situation arising in which a seat becomes vacant before the bill gets royal assent, but the actual by-election is held after the date on which royal assent occurs. This is all within the 42nd Parliament, obviously.

In such a situation, does the new rule apply?

Mr. Allen Sutherland: As you know, the Prime Minister has 180 days to call a by-election. If he were to call the by-election before royal assent, then the new legislation would not apply. If he were to call it after, then it would apply.

Mr. Scott Reid: The date on which the seat became vacant would not be the determinative thing. Rather, the date on which the Governor General issues a writ for the by-election would be the determinant factor in whether the old or the new legislation applies.

Mr. Allen Sutherland: I want to make sure, and I'll look to Manon on this.

In your scenario, the Prime Minister has not initiated the action to call the by-election. Am I understanding that correctly?

Mr. Scott Reid: He might or might not want to. It's not hard to imagine a situation in which a seat becomes vacant a fairly short time before royal assent is anticipated on the bill. It might or might not be reasonable. I'm not actually trying to figure if it would be reasonable—that's a political consideration. I'm wondering about....

Mr. Allen Sutherland: Just what would apply.

Mr. Scott Reid: Yes, what would apply.

Mr. Allen Sutherland: Yes, and that's all I'm trying to answer for you.

We can get back to you on this if you like, but my impression of it is that if the seat becomes vacant but the Prime Minister has not yet called the by-election, then once the legislation is in force, it's in force, and then it would be subject to the rules.

Mr. Scott Reid: All right. I think I've got that. If you could get back with a confirmation, I'd appreciate it.

Mr. Allen Sutherland: Okay.

Mr. Scott Reid: We started this discussion on registered third parties and their spending during the election period. I think I'm right that the spending is a flat rate and it's not pro-rated to the length of the writ period.

Mr. Allen Sutherland: Correct.

● (1655)

Mr. Scott Reid: May I inquire as to the logic of that? There is still some variation in the logic of writ periods.

Mr. Allen Sutherland: Are you referring to the third party spending?

Mr. Scott Reid: Yes.

Mr. Allen Sutherland: It's not calibrated to the length of the campaign. Are you saying between the 37 and the 50 days?

Mr. Scott Reid: That's actually a relatively large variation if you stop and think about it.

Mr. Allen Sutherland: I think the argument would be simplicity.

Mr. Scott Reid: I'm sorry?

Mr. Allen Sutherland: It would be simplicity.

It's a clear number, so you have the $500,000—

Mr. Scott Reid: It's just easier to keep track of.

Mr. Allen Sutherland: Yes.

Mr. Scott Reid: Forgive me, but how much time do I have left? One minute?

I think I'm in a situation where the question and the answer could not be done properly in a minute, so why don't we wait and proceed with this in a future round.

The Chair: Okay.

Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair.

Thank you to our guests.

Third parties are defined as a person or a group who engage in advertising, other than a candidate, political party, or an EDA.

Is that right?

Mr. Allen Sutherland: That sounds right. I think it's the law.

Mr. Nathan Cullen: Does it apply to other types of spending that third parties might be interested in doing in the course of a pre-writ period or writ period?

Mr. Allen Sutherland: It varies. I think it's important to differentiate between the pre-writ and the writ periods.

Mr. Nathan Cullen: Okay, let's take them in their parts.

I guess what I'm specifically asking about is that the limits that are being placed at any point—the amounts—are limits on exclusively advertising, or is it anything we would deem to be a political action?

Mr. Allen Sutherland: No, it's other activities too. It includes things like surveys.

Mr. Nathan Cullen: Polling.

Mr. Allen Sutherland: Door-to-door canvassing, rallies.

Mr. Nathan Cullen: I guess in the writing of the bill—it's big and I haven't been through all of it in detail—we define third parties as a person or a group who conduct election advertising, other than a candidate, registered party, or electoral district association.

Which part of the bill broadens the definition of third party in terms of political activity?

Mr. Allen Sutherland: There is some broadening of the scope. I don't know the exact numbers.

Mr. Nathan Cullen: The challenge we have is that we're going to have to, under the government's direction, move quickly through this bill, being able to cite and locate the legal remedies that you've outlined. The only definition I read of a third party is that definition.

All the limits we're talking about in terms of spending and declaration, as far as I can read, are about advertising. Of course, as you've said, there are a whole bunch of activities.

It would be very helpful—your office having constructed this bill—to be able to point and say "advertising, and this, and this" all fall under the restrictions that we've placed under Bill C-76.

Mr. Allen Sutherland: We'll get it to you by the end of the meeting.

Mr. Nathan Cullen: That would be very helpful.

You feel that these limits are being placed because the minister referenced this...and it's something we've looked through—some of the B.C. cases—about charter rights.

Mr. Allen Sutherland: Yes.

Mr. Nathan Cullen: Of course, you feel that you've hit the exact right spot.

Mr. Allen Sutherland: That's right.

Mr. Nathan Cullen: It is still a provision with the federal government, when introducing legislation, to put it to charter lawyers to find out how charter-proof the bill is.

Mr. Allen Sutherland: Yes.

Mr. Nathan Cullen: There used to be a verification test; it had a such and such probability of surviving a charter challenge.

Has this bill been subjected to such a test?

Mr. Allen Sutherland: We have been working with Justice and with lawyers to try to find that balance.

It's a very difficult balance between freedom of expression and what's fair and just in a democratic society. We've been working to do that, and that informs the pre-writ period and also the writ period, as well the constraints guiding third parties.

Mr. Nathan Cullen: Mr. Sutherland, I'm going to be very specific with you in terms of that.

There used to be an 85% probability test applied to all federal legislation before it hit the House of Commons. Of course, it's a somewhat subjective test. You ask a bunch of lawyers whether this will survive a charter challenge, and you get a bunch of answers. There has to be a high probability of survival.

My only question is, did this bill go through that test?

Mr. Allen Sutherland: We have worked with Justice lawyers to get that answer.

Mr. Nathan Cullen: I smile, but this is actually quite serious, in the sense of—

Mr. Allen Sutherland: There was a tabling of the charter impact statement.

Mr. Nathan Cullen: There was a tabling in the House?

Mr. Allen Sutherland: Yes.

● (1700)

Mr. Nathan Cullen: Good. I'll look at that more closely.

Mr. Allen Sutherland: Okay.

Mr. Nathan Cullen: Let me ask about the philosophical roots of this. Let's argue from the third party's side of things for a moment.

If I'm a third party advocate—I'm working for a think tank, an NGO, or a union—why should I be more limited than a political party in my ability to spend money legally, to receive money, either from my organization or through donations, to raise the issues that I think are important?

Why are political parties so special?

Mr. Allen Sutherland: First off, I don't think I could convince you—

Mr. Nathan Cullen: You think you what? Sorry?

Mr. Allen Sutherland: I said, I don't think I could convince you, if you were from that—

Mr. Nathan Cullen: Oh, you don't. You're just going to remain upset about this. Uh-oh.

Mr. Allen Sutherland: Let me just play it through for you, because it's a serious question.

What is being attempted here, and what makes us.... I would compare the Canadian political system with what we see south of the border and say that we have a superior system in Canada, in part because we have a more restrained system that allows political parties to perform an incredibly useful democratic duty for Canadian society. It is required that their voices not be drowned out. The risk of unfettered involvement by third parties during the election time period would, in effect, drown out the voices of the political parties, making them unable—

Mr. Nathan Cullen: Some people would like those political parties to have their voices drowned out.

Mr. Allen Sutherland: They would be wrong to do that.

Mr. Nathan Cullen: Let me challenge it back. I'm not talking about unfettered. We have placed limits on what political parties can raise and spend. We have limits now on what third parties can spend. Why is it so much less? There are some libertarians—and others, not even libertarians—who will argue and say if a Canadian wants to donate to a political party of any stripe to have their issues and their voices back their candidate, that's fine. But many Canadians don't engage in political parties. Less than 1% have a membership in any of the parties represented in the House of Commons. Canadians voice their views in other ways, much more than they did a hundred years ago. Why are we setting a lower limit for that voice than we are for the people who choose to donate through a political party?

Mr. Allen Sutherland: You've come to the crux of the issue. In that moment of an election period, which is not a long period in the length of our democratic society, we're trying to preserve a little extra space for the political parties by providing some restrictions to the amount of partisan advertising. It's partisan advertising in the pre-writ period—

Mr. Nathan Cullen: [*Inaudible—Editor*] candidate. It's issue advertising as well.

Mr. Allen Sutherland: During the writ period it is, but during the pre-writ period it's just partisan advertising. We're doing it for a limited amount of time in order to have the democratic debate that we need to elect a view.

Mr. Nathan Cullen: It's limited at the most crucial time.

Mr. Allen Sutherland: Yes, indeed.

Mr. Nathan Cullen: It's the time when more voters are paying the most attention. If you or I were sitting in an NGO saying that we have $100,000 to spend on advertising, and what's the best bang for our buck, of course it's when voters are paying the most attention. However, we are now limited by this bill in terms of our ability to get at our issue, which we believe in and which people gave us money for.

Mr. Allen Sutherland: If you had $100,000, that's fine. You could spend $100,000.

Mr. Nathan Cullen: Say we had $1.5 million.

Mr. Allen Sutherland: It's an important point that most third parties are actually quite small in Canada—

Mr. Nathan Cullen: Yes, they are.

Mr. Allen Sutherland: —and that's a good thing.

The Chair: Okay, thank you.

We'll go to Mr. Simms.

Mr. Scott Simms: Thank you, Chair.

Ladies and gentlemen, thanks for being here with us.

I have a couple of technical questions regarding the legislation. Then I want to get into something that interested me several years ago and I'm glad to see that we're going through it.

The first one is on nomination contestants.

Proposed section 476.67 talks about limits on nomination contest expenses. A lot of people out there are trying to figure out what period it applies to. When the date of the nomination contest becomes public—from there up until that date—is that for every nomination contestant? If that is the case, has anything changed in this particular legislation?

Ms. Manon Paquet (Senior Policy Advisor, Privy Council Office): It hasn't changed. The same rule applies in terms of the timelines. The definitions were adjusted to align with the new categories that were being established for candidates. That explains part of it.

Mr. Scott Simms: That's why it's addressed here, under proposed section 476.67, correct?

Ms. Manon Paquet: Yes.

Mr. Scott Simms: Okay, thank you for that.

There is another small technical question I have, under "Election expenses incurred by candidate". This comes under clause 290. It's proposed subsection 477.47(5.1).

> Despite subsection (5), a candidate shall, before incurring election expenses, obtain the written authorization of their official agent to incur those expenses, and shall incur them only in accordance with that authorization.

I know we've expanded the idea of personal expenses through several ways. I can pay for it with my Visa card or what have you, and then be reimbursed for it. What does this mean about "the written authorization of their official agent"? I'm not sure how that applies. Why is it here?

● (1705)

Ms. Manon Paquet: This was a recommendation of the Chief Electoral Officer that was implemented to give more accountability if a candidate were to go over the limit in who approved those expenses. There are provisions to account for the fact that some of the expenses can now be paid from personal funds, like child care and disability. Those would not require authorization in the same way.

Mr. Scott Simms: This is an accountability measure going back to the official agent. Correct?

Ms. Manon Paquet: Exactly.

Mr. Scott Simms: That was my confusion there. I apologize.

The Chair: From my understanding of that section too, it doesn't apply to the personal expenses, it's only the election expenses part of the expenses.

Ms. Manon Paquet: That's right.

Mr. Scott Simms: I want to talk about the laws when it comes to privacy and the data that's being collected by the parties.

It is my understanding that the party has to be more transparent. It has to transmit its policy through its own Internet site. What does that look like under this legislation? What are they compelled to do?

Mr. Allen Sutherland: It has to be made available on the Internet site. It also has to be submitted to Elections Canada. In what needs to be there, there are some requirements of how and what information they collect, how the party is endeavouring to protect personal information. A statement is also required around training measures that will take place as well as approaches to things including cookies. In addition, there is a requirement to have a name and contact information of a person to whom you can address privacy concerns. If I'm a Canadian, I can find out who I can talk to.

Mr. Scott Simms: I know I'm jumping around all over the place, but I don't have a lot of time.

On compliance agreements with the commissioner, it talks a lot in here about encouraging people who run afoul of the law to comply, and one of the ways of doing this would be the administrative penalties. In your opinion, what is going to be the biggest difference going into this election if someone runs afoul of this law, and how will the administrative penalties be helpful?

Mr. Allen Sutherland: Assuming the legislation passes, what would change is in the past the commissioner of Canada elections had a pretty stark choice. For instance, if you didn't close the bank account on time, they had the choice of taking you to court or encouraging you, but had no proportionate instrument that they could use to get you to comply. Now with administrative monetary penalties, the commissioner has a broader range of tools available to get better compliance from third parties and political parties.

Mr. Scott Simms: Would these penalties make that relationship between public prosecutions and the commissioner easier? I'm assuming it would. How does it affect the relationship? I know right now they're being moved over to Elections Canada, but that aside, when it comes to the compliance agreements themselves, how would the public prosecutor be involved in that situation?

Mr. Allen Sutherland: I think the use of AMPs would ease the relationship—

Mr. Scott Simms: Acronyms drive me crazy.

● (1710)

Mr. Allen Sutherland: The smart use of administrative monetary penalties as a tool to enforce compliance would help ease the relationship with public prosecutions because it means there would be fewer dumb prosecutions where what's at stake is so trivial.

Mr. Scott Simms: I totally agree. In several departments, whether it's Heritage and CRTC and stuff like that, I notice it's fairly complex. I'm just trying to make my way through the ease between the two to get down to the most egregious people who run afoul of this particular law and how these administrative penalties will be enforced. I thank you for that.

The Chair: And I want to thank you.

Mr. Scott Simms: Why would that be, Mr. Chair?

The Chair: It's time for Mr. Richards.

Mr. Blake Richards: Thanks, Mr. Chair.

I have some questions in a few different areas. We'll have a conversation, I guess.

This is in relation to third parties and the changes in this legislation as I understand them. Obviously they can't receive contributions from foreign entities during the election period or the newly created pre-election period, but they can receive them in the time prior to that, but they can't be for political purposes. What ways do we have, based on this legislation, of determining that? What's to stop someone from giving, say, $1 million for some other purpose? Of course what that does is it frees up maybe the $1 million they already had in their bank account to be spent on the election. In a way, it almost is still a way to influence—wink, wink, "I gave it to you for something else; spend your other million in an election." How do we enforce and prevent that from occurring?

Mr. Allen Sutherland: You're speaking to the commingling issue, that the foreign money could be used for administrative purposes or other non-political purposes, and that frees up money elsewhere. What we have in the legislation creates a limit on it. I say that because it would be possible for the commissioner of Canada elections to demand receipts and to see the flow of the receipts into the third party. In a wild scenario where all the money going into the third party was foreign, it would be pretty easy to determine.

Mr. Blake Richards: Sure. That would be true in that scenario. I agree. Between the pre-election and election period they can spend $1.5 million. Is that correct?

Mr. Allen Sutherland: Do you mean the combination of the two?

Mr. Blake Richards: Yes.

Mr. Allen Sutherland: Yes. Just for precision, in the pre-writ period, it's issue and partisan advertising, and in the writ period it's only partisan advertising.

Mr. Blake Richards: Having said that, and let's use that $1.5 million figure just to make it easy, let's say the third party was to have $3 million in funding, and then $1.5 million came from foreign sources and $1.5 million came from Canadian sources. Is it possible for that organization to claim that the entire $1.5 million spent during the election was all Canadian, or if they have 50% of their funding from a foreign fund, would they have to...? Do you get what I'm getting at there?

Mr. Allen Sutherland: I understand the commingling issue. Ultimately, it would be up to the commissioner of Canada elections to determine whether or not he or she felt that what was being proposed—in your case that the money was just dislocating—was in fact occurring or was foreign money flowing into the partisan campaigns.

Mr. Blake Richards: What could we do? It certainly is a concern to me. If it were a concern to the majority of the committee, what could we do in terms of amendments to strengthen this, so there would be a better ability to enforce that and make sure that isn't occurring and there isn't this, wink, wink, "Well, we'll give you money for something else and you can spend the rest of it on the election"?

Mr. Allen Sutherland: My role is to talk about the bill as it is. I would tell you that it does make some important steps forward by creating the pre-writ period, by establishing the limits, and by expanding the scope of the activities that are covered by third parties, and also requiring the bank account—

● (1715)

Mr. Blake Richards: I'm sorry to interrupt. You can't make any suggestions to us in terms of how we might amend, can you?

Mr. Allen Sutherland: No, sorry.

Mr. Blake Richards: Okay. Have you any suggestion on who might be a good person to ask that question?

Mr. Allen Sutherland: Your colleagues.

Mr. Blake Richards: Okay.

Now I'll move to the privacy of the future registry of electors. When I asked this question of the acting minister at the time in the House, he indicated it would not allow this information to be given to political parties. Can I just confirm with you—

Mr. Allen Sutherland: That's correct.

Mr. Blake Richards: —that the legislation absolutely forbids that from being shared?

Mr. Allen Sutherland: That's correct.

Mr. Blake Richards: I just wanted to confirm that.

In terms of the expat voters, they have to prove their last place of residence. How is that done?

Mr. Allen Sutherland: I'll turn to you. Go ahead.

Lieutenant-Commander Jean-François Morin (Senior Policy Advisor, Privy Council Office): Currently, the voters who vote under division 3 of part 11 of the Canada Elections Act have to fill out an application for registration and special ballot. They have to provide sufficient proof of identity, but not sufficient proof of residence. That is the current state of things in the Canada Elections Act.

Bill C-76 doesn't change that. However, Bill C-76 eliminates some options that were available to expats. Currently, they have the choice to determine as their place of ordinary residence the place of ordinary residence of a person whom they would be living with if they were in Canada. Bill C-76 is changing that. Expats will only be able to choose their last place of ordinary residence in Canada and once they are registered on the register of international electors, they cannot change their place of ordinary residence anymore.

Mr. Allen Sutherland: They'd have to move back in order to change it.

Mr. Blake Richards: This is just a follow-up to make sure that I'm clear on what you're saying.

They simply declare it. I get that you're saying that once they declare it, the declaration is once and for all time, unless they move back to Canada and then have a different residence. How is it demonstrated? Is it simply that they declare it and there's no verification done of that?

LCdr Jean-François Morin: Yes, it's only a declaration. That being said, of course, the bill opens up the right to vote to about a million Canadians who have lived abroad for more than five years and who did or did not have an intent to return. It could be very difficult for some of these Canadians who have been away for a long time to prove their last place of ordinary residence in Canada, so yes, they have to declare it, and they don't have to show a paper evidence of it.

Of course, there are offences related to voting—

Mr. Blake Richards: Of course. Although if there's no way to really verify it, then how do you enforce it?

Is it correct that they don't actually have to declare any intention to ever return to Canada with this legislation either?

LCdr Jean-François Morin: That's correct. That's why we are in this situation.

Mr. Blake Richards: Thank you.

The Chair: Thank you, Mr. Richards.

Now, we'll go to Mr. Bittle.

Mr. Chris Bittle: Thank you so much.

In terms of Mr. Richards' line of questioning, is there any reasonable way—I see where he's coming from—to ensure that these million individuals living abroad provide some type of identification or previous form of residency? If you're living abroad for five years, ID expires, is lost, and you don't keep mail, such as a phone bill, from five years ago.

Was there any discussion of that possibility?

LCdr Jean-François Morin: Again, as I answered to Mr. Richards, currently there is no obligation to prove residence for people who are registered on the register of international electors. They only have to provide satisfactory proof of identity. Therefore, it would be very difficult for people who have been away from Canada for many years to show documentary evidence of their last place of ordinary residence in Canada.

● (1720)

Mr. Chris Bittle: Can you explain how the bill would make it easier for members of the Canadian Armed Forces to vote?

LCdr Jean-François Morin: Absolutely. Currently, Canadian Forces members must vote in their military unit between the 14th and the ninth day prior to polling day. Only a small proportion of Canadian Forces electors are able to vote at civilian polls on polling day. These rules were designed at the end of the 1950s. They haven't changed much ever since.

Bill C-76 opens the voting opportunities for Canadian Forces members, and therefore, all Canadian Forces members will be able to choose whether they want to vote at ordinary polls, advance polls, at the office of the returning officer, or by mail from Canada or abroad. When they do vote using one of these opportunities, they will have to comply with identification requirements, including proof of address. Bill C-76 in maintaining the military polls in military units. This is the flexibility that the Canadian Forces needs given the wide variety of contexts in which they operate in Canada and around the world.

In those military polls, Canadian Forces electors will now be required to prove their identify and their service number. As the minister said in her presentation, Canadian Forces members who are on exercises or operations in Canada or abroad often cannot wear a document that would prove their address. That's for maintaining their personal safety and the safety of their family. We're also making it easier for Canadian Forces members to register on the national register of electors. Currently, they have to fill out a paper form that is called the statement of ordinary residence. Now the statement of ordinary residence is being repealed, and they will be able to register on Elections Canada's website on the national register of electors and change their address in order to vote with their families in the communities they serve and where they reside.

Mr. Chris Bittle: Perhaps this is an unfair question, because the number will go up and down, but do we know how many members of the Canadian Armed Forces are typically abroad who are dealing with this situation, or perhaps how many there were in 2015?

LCdr Jean-François Morin: I don't have that information in front of me, but the Canadian Armed Forces currently has about 13 ongoing operations around the world. As I said, the context in which Canadian Forces members serve varies a lot. They can be serving in a multinational operation where there will be hundreds of them together and they could be serving by themselves as an agent in an embassy, for example.

Mr. Chris Bittle: What consultations, if any, were undertaken with the Canadian Armed Forces?

LCdr Jean-François Morin: There were several consultations held. In his report following the 2015 general election, the Chief Electoral Officer recommended that the special voting rules applicable to Canadian Forces members be reviewed given their age. This committee accepted this recommendation in principle, so there were consultations between Elections Canada and the Canadian Forces for about six months, which led the Chief Electoral Officer to table supplementary recommendations before this committee in June 2017. Following June 2017, the Canadian Forces have been collaborating with the Government of Canada to make sure the amendments included in Bill C-76 would be reflecting concerns of flexibility, but also operational security, for example.

The Chair: Thank you.

Now we'll go to Ms. Vecchio.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Thanks for having me today.

I was going through some of the information regarding the AMP. Looking at that information with this new system, it has to do with the financial administration.

Can you broaden that a little bit? I'm looking at some of the things and it's basically taking it from being what you would see as a crime, where someone could be convicted, to imposing fines, and the fines are quite small, I find, as well. Can you give me a threshold on what you would expect? Let's say somebody over-contributed or an MP or a candidate put in $50,000 into their campaign, yet their limit is only $5,000, can you tell me exactly what would happen in a situation like that?

● (1725)

Mr. Allen Sutherland: The short answer is no, I can't, because the commissioner of Canada elections would be the one who would determine it.

On the over-contributions, that's an exception to the AMPs rule. That's a different scenario. For the others, you're quite right that administrative monetary penalties are intended to be small. They're intended to deal with small things that aren't worth going through the formal court system, with a lot of waste of both time and resources. I think the maximum is $1,500 for an individual and $5,000 for a group.

It's important to note that there is an ability to contest the AMP if required, but it's a proportionate response and the intention is to try to make it so you end the bad behaviour.

Mrs. Karen Vecchio: Can you give me the definition of a group, then? Since many of the contributions are coming from individuals, what would be identified as a group if you're talking about a $5,000 limit? What would a group be and why?

Ms. Manon Paquet: A political party, for example, would be an entity.

Mr. Allen Sutherland: Riding associations.

Mrs. Karen Vecchio: Okay, so, transferring from one EDA to another EDA, that kind of stuff would be at max.

Ms. Manon Paquet: Maybe to add to the over-contribution issue.... It could fall under administrative monetary penalty, but the limit of the penalty is higher. It could be double the amount of the over-contribution or the contribution that was not allowed.

Mrs. Karen Vecchio: It's not just for over-contributions. It's also for overspending, correct? It also takes that in. Let's say somebody has $80,000 during the writ and spends $90,000. You're looking at there not being criminal charges any longer. You're looking at putting this down to a monetary value.

Ms. Manon Paquet: It would be one or the other. The commissioner would still have the option to prosecute.

Mrs. Karen Vecchio: Changing the whole line here, I want to go back to the third party spending. In 2015, how many third party organizations were registered with Elections Canada?

Mr. Allen Sutherland: Oh, I knew that....

Mrs. Karen Vecchio: You knew that was coming.

I think Wikipedia says 55, but I could be crazy.

Mr. Allen Sutherland: Yes, there are a lot.

Mrs. Karen Vecchio: There are a lot. Yes.

Mr. Allen Sutherland: There are a lot, and there are a lot of small ones. The average third party spends about eight and a half thousand dollars.

Mrs. Karen Vecchio: What would the number be if we're looking at a large scale? In 2015, I know that there were some very large—

Mr. Allen Sutherland: That number I do remember. There were 19 that spent over $100,000.

Mrs. Karen Vecchio: Did any of them hit the...? I think a political party at a national level can give.... Is it $21 million approximately? How much are they able to give?

Mr. Allen Sutherland: It depends year to year. Did any of the third parties hit that? They most certainly did not.

Mrs. Karen Vecchio: They didn't hit that.

Mr. Allen Sutherland: Not at all.

Mrs. Karen Vecchio: Do we see a growing trend, though, if we are comparing the 2006, 2008, 2011, and 2015 elections? Do we see an increase in third party spending?

Mr. Allen Sutherland: I think there probably is an increase, but it's not.... It's more if you look south of the border.

Mrs. Karen Vecchio: I'll go back to the scrutiny. This goes more to where Blake was leading. When we're looking at scrutiny, what is going to be the regulation?

Let's say, for instance, that an American organization provides money to a third party organization here in Canada. It's spent pre-writ and all of those things. When it comes to privacy of their own information, although they're registered, at what point can Elections Canada say that it needs to see everything?

Is it going to be limited to what it can see when it comes to transactions, or would it be able to see everything from the time period in question? It may say, "Hey, listen, this may have come from 2014, and we recognize it's the 2016 election", or something. How far can it go back, or will there be limitations on when it's able to scrutinize this information?

LCdr Jean-François Morin: Currently, third parties have to report on the contributions they have received six months prior to the beginning of the election period. Now they will have to report on contributions that they have received basically since the day after the previous general election. For example, when the pre-writ period starts, if they intend to spend more than $10,000 in the pre-writ period, they will be required to make a report prior to the beginning of the formal election period on all of the contributions that they have received since the day after the previous election.

Mrs. Karen Vecchio: So, Elections Canada will have the authority to look at everything from October 20, 2015, forward on anything to do with third party contributions at this moment.

LCdr Jean-François Morin: The third parties have to make reports to Elections Canada, and Elections Canada has the power to audit these reports. When it has doubts, it can, of course, ask for more information. If it has further doubts, it can refer the matter to the commissioner of Canada elections, who can investigate.

● (1730)

Mrs. Karen Vecchio: Thank you.

The Chair: Thank you very much.

Now we'll go to Mr. Graham.

Mr. David de Burgh Graham: If people turn 18 during the writ period or even on election day itself, at what point will they show up on the voter list for parties?

Mr. Allen Sutherland: Under the proposed legislation, they would be registered as of the day of their birthday.

Mr. David de Burgh Graham: Right. So, they wouldn't show up on the day 19 list. You know their birthday is coming before the election or on election day, so they're eligible for that election, but they're not yet 18. How is that treated?

Mr. Allen Sutherland: They're not on the list until they've turned 18. Am I correct in that?

Ms. Manon Paquet: They could likely register at the polls and make a solemn declaration that they will be 18 on polling day. The definition of an elector is to be 18 on polling day, so they would be allowed to vote.

Mr. Allen Sutherland: But the parties wouldn't get the information in that case.

Mr. David de Burgh Graham: At all?

Mr. Allen Sutherland: Not until they turn 18....

Mr. David de Burgh Graham: On election day, by which point you've received the last list from Elections Canada and—

Mr. Allen Sutherland: That's the way it is.

Mr. David de Burgh Graham: Okay. Are there any statutory limitations on elections fraud investigations and charges? Is there a statute of limitations? Is it five years, two years, 100 years?

Mr. Allen Sutherland: There are some in the act, but we'd need to dig it up. We can get it to you.

Mr. David de Burgh Graham: In the interim, what constitutes election advertising for a third party? If a third party wants to talk about the minimum wage, as an example, can they cite a particular party? Is just talking about the issue enough to constitute third party advertising, or do they have to take a position on a party? What are the limits, or how fuzzy is it?

Mr. Allen Sutherland: I think what you're getting at is what constitutes partisan advertising on the part of third parties. It's really a statement of either supporting or being against a particular party. Otherwise, it's issue advertising.

Mr. David de Burgh Graham: They can beat around the bush on an issue without actually naming a party and it won't count.

Mr. Allen Sutherland: Yes.

Mr. David de Burgh Graham: That's good to know.

A fun question—

Mr. Allen Sutherland: It's important to note that during the writ period both issue and partisan advertising are counted, so they can't do that during the writ period. All count toward the total.

Mr. David de Burgh Graham: If you are vague about the issue, can you get around that as well, then?

Mr. Allen Sutherland: No. I think if it's issue advertising during the writ period, it gets counted.

Mr. David de Burgh Graham: That's good to know.

The foreign electors, the expat voters, would—

Mr. Allen Sutherland: Those aren't foreign electors; those are Canadians living abroad.

Mr. David de Burgh Graham: The foreign-residing Canadian electors, how's that?

Mr. Allan Sutherland: Sure.

Mr. David de Burgh Graham: Would they receive anything resembling a VIC, or is it entirely on their own proactive initiative?

Ms. Manon Paquet: They have to apply to register and to get a special ballot.

Mr. Allen Sutherland: They have to initiate it.

Mr. David de Burgh Graham: Is there any reaching out to those people before the voting time?

Ms. Manon Paquet: The mandate of the CEO for public information includes a specific provision allowing Elections Canada to promote to Canadians living abroad.

Mr. Allen Sutherland: It's not personalized. They don't go out to each one. It would be an impossible task.

Mr. David de Burgh Graham: Are embassies empowered to help in the elections in any way?

Ms. Manon Paquet: They can accept the ballots and the mailers.

Mr. David de Burgh Graham: They can accept the ballots. That's interesting.

You explained earlier how you choose the ridings. How is the declaration made of what riding? Do they just send a letter saying, "I will vote in Nathan's riding", and that's the end of it?

LCdr Jean-François Morin: Sorry, could you repeat the question?

Mr. David de Burgh Graham: When a Canadian living overseas, especially when they've been gone for a long time, wants to register in Canada to vote, mechanically how would that work? Do they just send a short note to Elections Canada saying, "I intend to register in this riding for the rest of the time"?

LCdr Jean-François Morin: No, they have to fill out an application for registration and a special ballot. The act is very prescriptive on the information that needs to be included in the application. They have to provide sufficient proof of identity as well and they have to declare where their last place of ordinary residence was before leaving Canada.

Mr. David de Burgh Graham: So, it's attached to that residence, not the riding. If there's redistribution, it follows the address.

LCdr Jean-François Morin: Exactly. They have to declare the address, and the address is then linked with the electoral district.

If I may answer one of your previous questions with regard to the limitation period for notice of violations that may be issued in the context of the administrative monetary penalty system, the period of prescription will be five years, which is provided in proposed subsection 521.12(1). I believe there was a limitation period for all other Canada Elections Act offences in the past, but my understanding is that this limitation period was repealed in a previous iteration of the Canada Elections Act.

● (1735)

Mr. David de Burgh Graham: So, you could theoretically investigate election fraud from 40 years ago.

LCdr Jean-François Morin: For criminal charges?

Mr. David de Burgh Graham: Right.

LCdr Jean-François Morin: The criminal law needs to be settled in Canada, so likely that limitation period that was applying in the past would have applied to those offences 40 years ago. But since the amendment to the Canada Elections Act, yes, it could be investigated and prosecuted.

Mr. David de Burgh Graham: Okay.

How much time do I have?

The Chair: None.

Mr. David de Burgh Graham: That answers that.

Thank you.

The Chair: You're welcome.

Once those foreigners register, do they have to register every election, or are they now on the list?

LCdr Jean-François Morin: They are actually on a special register, the register of international electors. They are on that register until they either ask to be deregistered or they come back to Canada.

The Chair: How do you find out if they die—like, to get off the list?

LCdr Jean-François Morin: That's a very good question, Mr. Chair. I don't have the answer off the top of my head.

That said, there are provisions in I think part 4 of the Canada Elections Act that deal with the national register of electors. There are information exchanges with, for example, Citizenship and Immigration and the CRA that allow the Chief Electoral Officer to be notified of a deceased person.

The Chair: Thank you.

Now we'll go to Mr. Cullen. If it's okay with the committee, after that we'll just do open format for anyone who has questions still.

Mr. Cullen.

Mr. Nathan Cullen: I guess if they stop sending Christmas cards, it's one way to know if they're no longer with us.

With regard to privacy, when I asked the interim CEO of Elections Canada what the current limits are on how parties handle the information they gather on Canadians, he said there are very few to no limits. With regard to what the parties do with that private information and their legal ability to sell it, if they so choose, is it being made illegal for parties to collect data on Canadians and then sell it to some third party, if they choose?

Mr. Allen Sutherland: The approach in the proposed legislation isn't focused on illegality other than the.... If you don't do it, you get deregistered.

Mr. Nathan Cullen: If you don't do what?

Mr. Allen Sutherland: If you don't provide a policy.

Mr. Nathan Cullen: Right now, Bill C-76 says tell us what your policy is, and if you don't tell us what your policy is, then we may deregister you.

Mr. Allen Sutherland: You will be deregistered.

Mr. Nathan Cullen: Yes, but the policy can simply say very little to nothing.

Mr. Allen Sutherland: That's—

Mr. Nathan Cullen: The bill doesn't require any enhancement of Canadians' privacy.

Mr. Allen Sutherland: You are correct. What it does do is create transparency. Presumably, if you do have a policy that you put on your website that says your policy is to share the privacy indiscriminately, Canadians will judge it accordingly.

Mr. Nathan Cullen: So the bill doesn't prevent parties from doing bad things, it just forces parties to tell voters when they're doing bad things.

Mr. Allen Sutherland: Yes, including the selling.

Mr. Nathan Cullen: Why not ban the selling? I don't understand. I mean, you hope political parties don't do it, yet....

When I talked to the CEO of Elections Canada, it was about something that we had just watched. We had just witnessed how powerful data can be, not just in the hands of political parties who are vying for power themselves but in the ability to manipulate data and to expose voters to misinformation through that manipulation. This is a core threat, I would argue, to our democratic institutions. Would we agree with that, that the new technologies and the new tools that are now available to those looking to sway public opinion are what we used to do but on steroids? I don't understand why we don't have more—

Mr. Allen Sutherland: I don't think it's the case that you can sell the voter rolls, so I think that is—

Mr. Nathan Cullen: No, not the voter rolls, but—

Mr. Allen Sutherland: But that's the information that Elections Canada comprises.

● (1740)

Mr. Nathan Cullen: I understand, but in some European countries, a voter can phone up a party and say, "Tell me what you know about me." The party has to say, "Well, we know your address and information. We also acquired information that you signed a petition in 1990. We know that you registered this." Parties collect a data-rich source. They're trying to. The Liberals used to brag about it. They bragged until recently, until Cambridge Analytica, about just how they won the 2015 election: great data management, great data harvesting.

I'm wondering if there's any provision under Bill C-76 that allows a Canadian to petition a party to give them even the source points of data, i.e., "What points of data have you collected about me?"

Mr. Allen Sutherland: They could certainly ask the contact, but —

Mr. Nathan Cullen: It doesn't obligate the party to give over the information.

Mr. Allen Sutherland: Yes.

Mr. Nathan Cullen: Why not empower the voter to be able to know what information the...?

Let me ask you this. We have a firewall within my office. Somebody comes into my office and talks about an immigration case with my staff. Every party has a database to manage that file. We're working on it. I just did one with a minister an hour ago. None of that information can transfer over to the dataset saying that this person is interested in immigration issues.

Are we required by law to have that firewall right now? Do you know?

Mr. Allen Sutherland: I don't know. You might be better placed to—

Mr. Nathan Cullen: Well, this is an interesting thing when we're dealing with Bill C-76 and we're talking about data.

Mr. Allen Sutherland: Yes.

Mr. Nathan Cullen: Did the government of the day, in doing a generational change to our voting laws, say that thou shalt never transfer, for incumbents, for those working in political office, information gathered through your work as a member of Parliament over to the party database side? We all hope that we all have good ethics and that every office prevents that transfer, but does Bill C-76 have anything to say about that?

Mr. Allen Sutherland: Not to my knowledge.

Mr. Nathan Cullen: Now, for a Canadian, you can understand their perspective. They come into one of our offices with a file, a case, that they're working on and that we're working on in a non-partisan fashion as an MP. In terms of an amendment to say that information cannot ever be transferred under penalty of expulsion, Canadians would want to know that, wouldn't they? We can attest to it and tell a citizen coming into our office that we'll never do it if you walk into Larry's office in Whitehorse, but why not enshrine it in law?

Mr. Allen Sutherland: This would be an example of where parties could set examples for other parties by making sure their policy is clear and obvious on that point, and then people could compare it.

Mr. Nathan Cullen: Setting an example is great—

Mr. Allen Sutherland: But it's transparency—

Mr. Nathan Cullen: —but the average voter is not going to look through the policy section of each party's website and say, "Let me get into the legalese about your specific guidance rules—not mandatory rules—about how you're handling my data," and then be able to say that the Liberals' rules look like this, the Conservatives' rules look like that, and the NDP's look like this, so they're going to vote this way. I just don't think it's a reasonable expectation.

It's like those disclaimers on websites that say "to be able to use this app, click if you agree", and then there are 47 pages of legalese. We've proven in court that's not a verifiable test that lets companies off the hook. I don't think this is a verifiable test that lets parties off the hook for the misappropriation of Canadians' data when executing an election.

Mr. Allen Sutherland: I understand. I have just two quick points.

The minister, in her remarks, said she was open both to amendments in that and to continued work by the committee in this area. The second thing is that it may not be important that Canadians do that cross-comparison—because I agree with you that not every Canadian will do it or is capable—but opinion leaders might, right? Opinion leaders—

Mr. Nathan Cullen: Yes, but again, if we're doing something.... This is to say that in 2018 and 2019 the reality of conducting an election has fundamentally changed—

Mr. Allen Sutherland: Right.

Mr. Nathan Cullen: —from what it was a generation ago in terms of the ability.... People used to look for Sears catalogues and library cards. The data sources were limited. We had door-knocking and phone banks. Now, any time someone clicks a survey on Facebook, we've learned that they might be trolled or exposed, and their data might be sold to political actors, to third parties or registered parties —it doesn't matter to me—and suddenly they're getting only this kind of information.... I think it's only going to get worse, so I wonder why, in a generational change, we're not doing more about it, Mr. Chair.

We're of course going to come to it with amendments. We just went through Bill C-69. We put 300 amendments on the table, and one was accepted, so you'll forgive me if I'm a bit skeptical about how open the government is. We'll see if it's any different on this omnibus bill. It's open, but not accepting.

The Chair: Thank you.

Now we'll open it up, particularly for someone who hasn't asked anything yet.

Mr. Bittle, Mr. Cullen, and then Mr. Richards.

● (1745)

Mr. Chris Bittle: I'd like to ask a question that goes back to the armed forces and spouses of members of the armed forces. Under the current regime, if a spouse of a member of the armed forces is away for a period of more than five years, do they fall into the same category as other expats?

LCdr Jean-François Morin: Currently there is an exception for the five-year limit for dependants of Canadian Forces members residing abroad with those members, so no, they currently don't fall within the five-year rule.

If I may add to that, however, Bill C-76 will bring an improvement for the dependants of Canadian Forces members residing with them abroad and also to other civilians who accompany the Canadian Forces members abroad. For example, RCMP officers could be participating in a mission with the Canadian Forces, or Global Affairs Canada, GAC, officials could be participating in a mission as well. They would still vote under division 3 of part 11 of the act. Currently, they are experiencing some difficulties voting under that division, due to the fact that Canadian Forces members serve in remote areas. With the postal services in those areas, it might not always be easy to get their special ballot kit and send it back to Elections Canada so that it would be received before 6 p.m. on election day.

Bill C-76 brings with it a legal obligation for Elections Canada and the Canadian Armed Forces to collaborate in order to make sure these civilians who accompany the forces abroad, including dependants, have an easier way to vote.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: I asked the interim CEO this question. On the west coast, sometimes we get quite frustrated because so much of the vote has taken place and it is then released. There have been challenges all the way up to the Supreme Court about the release of information as to whether it is a citizen's right.

Mr. Allen Sutherland: Do you mean the election results?

Mr. Nathan Cullen: Yes, the election results. We're talking about election night.

Mr. Allen Sutherland: Yes.

Mr. Nathan Cullen: We're out canvassing. All the parties are out canvassing on the west coast. It's 4:30 or five o'clock and we're knocking on doors. We get to doors of whatever type of voter and they say, "I just heard on the news what's going to happen or what's likely to happen."

As you say, we always want to encourage people to vote. This is a discouragement, and it has actually been said that a voter on the west coast has been given privileged information that a voter on the east coast did not have, which is how seats are starting to be determined. One of the foundations in our voting laws is that no voter should have more information than another, just inherently.

Mr. Allen Sutherland: Okay.

Mr. Nathan Cullen: Is there nothing we can do about this?

Mr. Allen Sutherland: There's nothing in the bill that addresses that.

Mr. Nathan Cullen: That's too bad, because there are a lot of voters who would like to do something about it. Is there any section of the bill that deals with things such as voter information that we could then apply through amendment? In terms of scope and whatnot, we have limitations on how we amend a bill.

I grew up in Toronto, so I did not see this reality until I moved to the west coast. I thought, what are they all complaining about? Then you go through a couple of elections and it's more than annoying. It actually makes you feel a little less of a participant in the action, simply because my good friend Andy and his family have already gone out and voted; the results have already been released, and good or bad for whoever's party, they start to affect the voter decisions down the line, whereas in Mr. Fillmore's case or in others, they're not affected by some type of pre-outcome, other than polls, which are as good as a poll is.

LCdr Jean-François Morin: This issue is a long-standing one, and it relates to the fact that Canada spans, what, six time zones?

Mr. Nathan Cullen: Five and a half time zones.

LCdr Jean-François Morin: Voting times used to be the same all across Canada. A few years ago, staggered voting hours were implemented. Yes, there used to be provisions in the Canada Elections Act that restricted publication.

Mr. Nathan Cullen: That was challenged in court.

LCdr Jean-François Morin: That was challenged in court and the government of the day asked Parliament to repeal those provisions, and they were repealed.

Mr. Nathan Cullen: Right. There were provisions in law that prevented the expression of voting results through the public airways, and the Supreme Court said, "CTV and CBC, you can't publish this." Parliament then brought in a new law to say it's okay to go ahead and do it.

I guess we're just spitballing here. Why can we not simply start releasing the results in a staggered fashion? Don't even count the boxes for an hour or an hour and a half.

Mr. Allen Sutherland: They have tried a few things in terms of staggering voter hours. It's interesting that with all the advance polling and the increasing use of advance polls, that actually reduces the problem that you identify, right?

● (1750)

Mr. Nathan Cullen: How so?

Mr. Allen Sutherland: Voters who vote in an advance poll in British Columbia or in Newfoundland have registered their vote at the same time with the same information.

Mr. Nathan Cullen: Right, but the advance poll, which I think is great and we're doing more of it because it's more convenient for Canadians, would say that staggering the voting release would actually be easier because you're counting so many fewer votes on election night. That's what we were told. The volunteers and the workers for Elections Canada are old and they don't want to stay up late.

Mr. Allen Sutherland: Yes.

I'm not agreeing that they're old.

Mr. Nathan Cullen: You did say yes. It's on the record.

The Chair: We have to move on.

Mr. Nathan Cullen: Mr. Chair, I have one last question.

If 30% or 40% of the votes have already been registered and counted, in terms of just not releasing the results, could we not make an amendment within this bill? Do you believe we could make an amendment in the bill to effect the thing that I'm addressing?

Mr. Allen Sutherland: Go ahead.

LCdr Jean-François Morin: We will leave to this committee the decision as to whether such an amendment would be receivable and would be passed. That said, one of the concerns that has been expressed by the acting chief electoral officer and that would be expressed by those persons who have done some electoral observation around the world is one of integrity. There is often suspicion when election administrations hold up the release of election results. That is the reason that election results are usually not held up once they're available.

Mr. Nathan Cullen: It's not Estonia.

The Chair: We have a few people here, so let's not take too long for each person.

Mr. Nathan Cullen: Sorry, Chair.

The Chair: Mr. Richards, Ms. Tassi, and then Ms. Vecchio.

Mr. Blake Richards: Thanks, Mr. Chair.

I can't remember who asked the question, but earlier you were talking about the third party regime and that Elections Canada has the power to audit the contributions that were received pre-writ. That's my terminology, of course. What would trigger an audit of those contributions? I guess you audit spending in the pre-writ period as well. How would that be triggered? What would be the barrier such that Elections Canada would say, "Gee, we'd better look into this"?

Mr. Allen Sutherland: It's difficult to be in Elections Canada's shoes. I know you're going to speak with the acting CEO soon, but one might be a suspicion regarding the problem that you outlined, foreign money finding its way into partisan purposes.

Mr. Blake Richards: What I'm wondering is what would arouse that suspicion? What would be a trigger? When legislation talks about there being an ability to audit but there's not really anything that triggers an audit, one wonders whether it would ever happen and, therefore, whether this would be an easy loophole to jump through. Can you imagine for me what might arouse suspicion sufficiently that there would be a need to do an audit? The other question is whether a large part of that could be that a public complaint could be brought that would arrive at one.

Mr. Allen Sutherland: A dramatic change in behaviour of a third party might be reason to arouse the suspicions of someone and make it reasonable to demand the audit trail or the receipts.

Ms. Manon Paquet: I would add that the reports of the third parties will also be posted on Elections Canada's website at some point. There is a possibility that if someone sees something that they consider suspicious, they could bring forward a complaint through the commissioner.

Mr. Blake Richards: So it is possible for a member of the public to say, "Gee, something seems funny here. I'd like to see Elections Canada look into this," and they can make a complaint, and Elections Canada would be able to determine whether it was worth it to investigate. Does the legislation allow that?

Ms. Manon Paquet: The complaint would go to the commissioner.

Mr. Blake Richards: Okay, but does the legislation allow that?

Ms. Manon Paquet: The commissioner would decide whether or not to investigate.

Mr. Allen Sutherland: Yes, and one of the provisions in Bill C-76 is the commissioner's ability to initiate an investigation.

Mr. Blake Richards: You mentioned the public, so if a member of the public says, "Gee, something seems funny. This third party all of a sudden sure seems to have a lot more influence than it did before, and I wonder where all the money is coming from" and they make a complaint to the commissioner, does the legislation as it's written now authorize an investigation and an audit to take place as a result of that?

● (1755)

Mr. Allen Sutherland: It's not automatic. I don't want to leave you with the impression that someone would make a complaint and then the commissioner would have to launch to investigation. It's not —

Mr. Blake Richards: I get that there's a difference between a complaint being received and there being a requirement that there be an audit. I would almost argue that maybe that should be something. However, that being said, based on that complaint, they would be authorized to determine whether—

Mr. Allen Sutherland: If they have reason to believe that there's an issue, yes.

Mr. Blake Richards: Yes, but it doesn't require; it only authorizes?

Mr. Allen Sutherland: That's correct.

The Chair: Thank you.

We'll go to Ms. Tassi.

Ms. Filomena Tassi: Thank you.

I have two quick clarification questions and then a different question. With respect to the expat declaration, that declaration, I take it, is sworn in front of a commissioner, or what does that declaration look like? Does it have to be sworn?

LCdr Jean-François Morin: It is signed by the elector. I would have to verify in the legislation. I can get back to you right after.

Ms. Filomena Tassi: The question came up with respect to what counts as advertising with a third party. Let's say, for example, you have an organization that endorses the platform of a party specifically and references the platform but isn't necessarily endorsing the party. Is that included as advertising?

Mr. Allen Sutherland: Can we accept that "platform" might be an important policy, so "x" is really important?

In that case, they've declared that a certain policy is important.

Ms. Filomena Tassi: Yes.

Mr. Allen Sutherland: That is not partisan advertising. That's merely a declaration that this issue is important. It's issue advertising. It's covered in the writ period. It's not covered in the pre-writ period.

Ms. Filomena Tassi: Right. But in the writ period, if you mention the policy and you mention the party that has that policy—

Mr. Allen Sutherland: That's partisan. To be crystal clear, even if in the writ period you mention that this policy is really important, that counts towards the spending limit of the third party.

Ms. Filomena Tassi: Okay.

Above and beyond those two clarifications, can you comment on the changes in Bill C-76 that make voting more accessible for those with disabilities and for those in remote areas?

Mr. Allen Sutherland: In remote areas, there is increased use of mobile polls, and that helps both with advance polling and on the actual day of. In the case of persons with disabilities, there's greater scope for support from Elections Canada, regardless of the type of disability. Currently it's limited, but now it will be more open. There's just more support provided.

Another element has to do with candidates who are required to care for people with disabilities. Ninety per cent of those costs are reimbursed.

Ms. Filomena Tassi: Thank you.

LCdr Jean-François Morin: Of course, candidates and parties would have a financial benefit for developing communication materials that are accessible for persons with disabilities.

Ms. Filomena Tassi: Thank you.

The Chair: Ms. Vecchio.

Mrs. Karen Vecchio: Thanks very much.

I'm going through some of this information. I saw that last year.... By no means am I trying to pick on one organization or another, but when I look at political financing of third parties, I see that two trade unions gave $45,000.

Why is there inconsistency between what somebody can give a political party and what somebody can give a special interest group or a third party? Why are the rules different?

Mr. Allen Sutherland: This is speculation on my part, but I would just observe that political parties are dedicated to winning office and winning power; third parties have other and different interests.

Mrs. Karen Vecchio: I'm just looking at a return right now. It shows two contributions of $45,000. We know that individuals can give only $1,500 and that corporations and any other groups, even unions, cannot give to political parties like that.

Why do we have two separate sets of rules?

Mr. Allen Sutherland: I can speak to political parties. There's a desire to provide limits on the amount that people and corporations and unions can pay to political parties in the interest of a fair and balanced system. Third parties perform a different function in society, and to date it hasn't been thought that you need to restrict their funding sources in the way you describe.

● (1800)

Mrs. Karen Vecchio: Okay, but if the entire idea of these organizations is to be politically involved, what is the difference between them and a party? They're just not running any candidates.

Mr. Allen Sutherland: Well, they're not trying to win power directly. In Bill C-76 you do have restrictions, both during the writ and in the pre-writ period.

Mrs. Karen Vecchio: Thank you so much.

The Chair: For one last question, Mr. Richards.

Mr. Blake Richards: It's actually two, but it's the same topic.

You mentioned earlier Elections Canada's having the ability to promote to—I don't know how to put it—people who are living abroad, the expat voters. How would that be done? What are some examples of how they might promote the vote to those voters? How would we even know who or where they are unless they've been on the voters list before?

Mr. Allen Sutherland: We'd have to see how they exercise this responsibility. You could imagine they would provide some promotional material at high commissions and embassies and missions abroad. That would be one way. They might do something on their website to promote voting to Canadians overseas and in other countries.

Mr. Blake Richards: My other question relates to the same thing. In terms of declaring the last place of residence in Canada, how does that work for someone who's never lived in Canada? It is possible for someone who has never lived in Canada to be a citizen and be eligible to vote, is it not?

Mr. Allen Sutherland: No. Under the proposed legislation, they would have to have lived in Canada.

Mr. Blake Richards: They can't be a citizen who's never lived in Canada. They would have to have lived here at some point and have a residence.

Would they have to have been of voting age when they lived in Canada?

Mr. Allen Sutherland: No.

Mr. Blake Richards: They could have lived in Canada as an infant, and as long as they know where that residence was that they lived in as an infant, they could choose to still vote, and that would be how they would declare.

Mr. Allen Sutherland: Correct.

Mr. Blake Richards: Okay, thanks.

The Chair: Yes, Mr. Reid.

Mr. Scott Reid: On this same thing, doesn't that obviate the highfalutin rhetoric of the government about how Canadians were being deprived of their right to vote by the previous government when it turns out that Canadian citizens, under this legislation, are also deprived of their right to vote because of the mere fact that they never resided in Canada? I know several people who are in this ostensibly horrendous situation, who were apparently neglected by a government that expressed its moral horror at the fact that folks who had been away for more than five years had been left out.

Could you tell me what the moral distinction is between these two classes of Canadian citizens and how it's backed up by the Charter of Rights? Was it a request in the charter review of the legislation that was done by the Department of Justice?

LCdr Jean-François Morin: In the Canada Elections Act, every elector needs to have an ordinary residence, and under the rules of ordinary residence, you cannot lose your ordinary residence until you get a new one. For example, when someone moves, their ordinary residence moves with them, but they need to have had an ordinary residence in Canada at least once.

Mr. Scott Reid: Right, but that's a Canadian who has lived in a foreign country. When I was living in Australia, I was legally a resident of Australia. The Australians thought so; the Canadians thought so. The tax department for the two countries sure thought so. Oh yes, Nathan, check it out some time. I don't see how you can be a resident in Canada for one purpose, if you were born in Canada and spent some time here, versus someone else otherwise identical who was born in Australia to Canadian parents.

It doesn't make any sense at all, and I can't figure out why it's not in your Department of Justice review of the legislation, and why it was absent from the Liberal Party's rhetoric. They went on and on about these poor Canadians who had been away from Canada for more than five years who are no more Canadian under our Charter of Rights than the ones who are born to Canadian parents overseas.

The Chair: I guess that's a good item for debate to continue on.

Thank you very much.

We'll suspend for a minute and people can get what they need and then we'll go into committee business.

• _____ (Pause) _____ •

• (1815)

The Chair: We're in committee business. We had some productive discussions. We're joined by the legislative clerk, Philippe Méla, who will be doing this bill. Andrew guarantees us he's the best legislative clerk in Parliament. That's great. We expect excellent work.

Just to remind members, the preliminary lists of witnesses are due by end of day tomorrow and the final lists by noon on Friday. If we get into travel, the clerk will talk about the related logistics. I think we'll open the discussion on how we deal with the rest of this bill.

Mr. Bittle.

Mr. Chris Bittle: Thank you, Mr. Chair.

We've had some discussion. I won't get into it. I think the most important thing to hammer out today is the travel. We need to get to the bottom of that in terms of the other items on our proposed list. It's something that we have some leverage to discuss tomorrow. At the end of the day, we would like to see clause-by-clause on the 12th to get this bill back to the House of Commons. The committee is ultimately going to have make up its mind about how the witness schedule looks. I know the opposition expressed some desire to bring forward a witness list and they have tomorrow to do that.

As to what that witness list looks like, depending on the track the committee decides, it may be two separate lists. Are we going on the road? That's one set of witnesses. Are we staying here in Ottawa? That's a completely separate list of witnesses.

We've made a proposal on the committee travelling across Canada from June 4, 2018, until June 8, 2018, authorizing the clerk to organize travel with meetings in the communities in the following regions: Atlantic Canada, Quebec, Ontario, the Prairies, and British Columbia, but we all have to narrow that down. I'm sure the clerks would agree with that as it would be of much greater assistance. My understanding is that the Liaison Committee will meet tomorrow and that we can get a budget, finalize it, and move on, with advanced thanks to the clerks for assisting us, given the timetable.

We are proposing that the clerk organize at least one meeting between the indigenous communities, and that the meetings be balanced between urban and rural communities. This is what we heard especially from Mr. Cullen around the desire to travel. I guess I'll turn it over to the opposition to flesh that out with some specifics on that particular point.

● (1820)

The Chair: Mr. Richards.

Mr. Blake Richards: If I'm hearing what I think I'm hearing, it's based on the discussions we had before the gavelling of the meeting here. Looking at the travel proposal, I agree that it's advisable that travel is something we settle on if we're going to be doing it, because we have to give the clerk a bit of time to arrange it, especially given how quickly it has to happen. I think it would be good to hear the thoughts of Mr. Cullen on this, because I know he was the one who first raised the importance of travel. I certainly agree with him; I think it is a good thing for us to be doing on this piece of legislation.

This seems to look similar, as far as I can tell, to what Mr. Cullen brought to the meeting last time, although it is different from what I think he had originally hoped to see, in that it is significantly less. I would love to hear his thoughts on the travel part of it. I'm not sure if I'm hearing that we would talk this evening about what the travel portion might look like. I agree, however, with the idea raised by Mr. Bittle of maybe leaving the discussion on the other elements for tomorrow when we see what the witness lists of all three parties look like and we can have some sense of what this would look like in practice.

I can certainly commit, if it would be helpful, to bringing a list to the meeting tomorrow of our proposed witnesses, at least the initial witnesses. I believe I've seen the government's proposed list already. Unless they're planning to add to that, I'm sure they can bring their list tomorrow, no problem. I don't know where Mr. Cullen is on that, but if he can commit to this, then we could have a discussion during the hour we have for business tomorrow and we could arrive at the rest of the elements. I would agree, given the amount of time we have now, that we should try to sort the travel out in this period. This would allow our clerk to get started on that as soon as possible, because it will be a very difficult undertaking in the short time frame that we have.

Those are my thoughts.

The Chair: Mr. Cullen, do you have some thoughts?

Mr. Nathan Cullen: Yes. Thanks, Chair.

Thanks, Chris, for the comments.

Let me preface this very briefly by saying I don't blame anyone around this table for the circumstance we're in. Clearly, on the government's side, I don't think the timing of the bill and the study was of the choosing of any of the committee members—certainly not you, Chair, and certainly not the opposition—yet the bind that I feel myself in is that I have a similar objection because I don't like some of the rules that exist right now on voting reform. Bill C-76 addresses some of those things that we've talked about openly, vouching and whatnot.

As a parliamentarian, I also see and feel the responsibility of getting whatever we do to Bill C-76 right—amend, reject, whatever those options are—simply because in my experience if you rush legislation, particularly omnibus, it's inevitable you'll make some mistakes. The question is how grievous those mistakes are, and you realize them too late. Elections Canada tries to handle something voters experience at the election and it doesn't work the way that we were told and the way we hoped. I feel myself in a bit of a bind.

I'll start with the witness list and work backwards to the travel proposal. Mr. Christopherson is back and re-engaged, and I just got a witness list from him and, yeah, it's exhaustive and exhausting to look at. We're going to spend tonight whittling some of that down because I have a few thoughts. I was borrowing a little bit from the electoral reform experience, because I think through those many long months of study we found some witnesses who don't immediately pop to mind who I think would be very helpful on this.

I appreciate the efforts in terms of the travel component and the way the motion is worded. As we know, in urban and rural experiences voting is different, and particularly first nations people have a different experience as well.

The initial proposal for travel makes sense. I would hope we would talk today about what a day would look like, because sometimes committees travel and it looks a certain way and other times it looks another way. We had raised the issue of talking to young Canadians when we're out on the road. We had raised the issue of potentially having.... When we go to towns sometimes we go to Halifax or Toronto and we see only experts, so-called experts, people implicated by it, but we have no access to average Canadians who don't have a Ph.D. behind their name. I think we're made more poor for it if we do that. I would advocate some small version of an open house, if we go places in the evening, and then in the daytime we give over to the experts who have lots of opinions about this.

In terms of the rest of the meetings, I remain very open to what we're doing right now. I know it's not always comfortable and it's hard to schedule with extended hours and sitting, simply because we've been given a Sisyphean task here and we ought to try to do as much as we can to get it right.

Other than that, my only other reservation, which I expressed to Andy before, was the proposal of doing clause-by-clause all in one day. We have a philosophical objection to the custom that, if there are more than 80 amendments, suddenly we go on the clock, and that reduces us to five minutes per party per clause, I believe. I've seen from both sides, government and opposition, bills just brutalized because you're hammering through clauses by the end, by the evening sittings. Committee members don't really.... I think we stop doing our jobs at some point. It gives me angst to see a day of clause-by-clause on a bill that's 250 substantive pages. That's a lot.

The last I'll say is that the government talks about different numbers, but 85% of the bill was prestudied or 85% comes from Elections Canada. That's fine. The percentages are fine in terms of public relations or media, but I don't want to suggest that simply because 85% of the bill has been looked at, the 15% is going to be fast. It may not be 15% of the effort because of the stuff the government has added into this bill on top of the previous legislation. It's not simple or obvious things. We're talking about freedom of speech and some things that are potentially complicated. I don't have a pre-opinion as to what that will look like.

All that said, I think the travel is short, but it will work. If we can reconsider the clause-by-clause, that would be good, and we should talk about what a travel day looks like. If we go to Halifax, what does it look like? If we're in Toronto, what does the day look like? That will inform my feelings toward getting out on the road.

● (1825)

The Chair: Does the government have any comments?

Mr. Chris Bittle: I don't know if we can ask the clerk the terms of the travel days. My only concern with what Mr. Cullen has suggested is just the logistics of it. If we're doing public hearings from 10:00 until whenever and then an open microphone at night and then the committee has to travel the next day, logistically speaking, that might be difficult.

The Chair: I'll go to Mr. Reid, and then I'll go to the clerk to talk about logistics.

Mr. Scott Reid: All I wanted to add is, if we're looking at travel that lasts essentially five days, as Mr. Cullen suggested, you would leave on Sunday from wherever you are and get to the first city. On Monday, Tuesday, Wednesday, Thursday, and Friday, you're in different cities. Then on Saturday, it's your job to make it either back home or to Ottawa.

If we got that, I think we should agree that we're departing from the usual practice of going to the provincial capitals. I mean, in some cases that's great. Toronto is fine, I guess. Victoria is less fine than Vancouver, given the way the routes work.

In terms of meeting with young people, one obvious way of doing that is to have one or more of the meetings on a university campus. I recognize the school year is not on right now, but I took numerous summer courses in May and June. You're right in the middle of those summer courses, so you will have some folks there. It's not perfect, but nothing, given our schedule, is going to be perfect, and this at least allows for a bit of that.

● (1830)

The Chair: I'll go to the clerk to talk about the logistics of organizing travel.

The Clerk of the Committee (Mr. Andrew Lauzon): Members have rightfully noted that there's very little time left between now and the beginning of this proposed travel. I would just like to add that, should the committee agree this evening that they would like to travel and they would like to see a budget, we could put one together in time for tomorrow's meeting, but we would need more specific details about the cities the committee would like to visit. When I read this on the indigenous communities, perhaps the committee could specify an indigenous community and maybe some ideas about how we balance rural and urban, given what cities the committee wants to go to.

If this budget gets adopted by the committee tomorrow and is then approved by the SBLI, say tomorrow afternoon, we won't get House authorization probably until Wednesday, which only leaves us two to three business days to set up these meetings, which is going to be a challenge. We have a formidable team who's ready to put this together; however, there are some things that are going to be out of our control such as flights, hotel availability, and meeting room availability in some of the cities. There's going to be very little flexibility and very little time to adjust if we run into issues with the logistics.

A second concern that I have is that we don't yet have a witness list for any of these cities, or any of the cities that will be proposed, so it may be a challenge to find witnesses who are available and who will be adequately prepared to appear before the committee in those various cities. If the committee's desire is to travel, I would hope that we could get those names as quickly as possible so that we could communicate with those individuals and try to make sure that they're available for the committee. My fear is that we'll go to all the trouble, we'll set up the meetings, we'll travel, and then we won't have all the witnesses that the committee wants to see in those locations.

The Chair: Mr. Cullen.

Mr. Nathan Cullen: Thank you, Chair. That was very helpful. I imagine, if people wanted to think about logistics, the typical travel day.... My reference point is the electoral reform committee, and we tended to travel in the morning, except for the first day, when we would be in place. We had experts typically from one o'clock or noon on, because we'd arrive in the city, we'd get to wherever we were at the hotel by 10 o'clock or 11 o'clock, the forums would start with the experts for a couple or four hours, depending on the town we were in, and then we'd do a more open type of thing, which goes back to your point of not needing to fill an entire day, because you just make a notification and social media seems to work pretty good in terms of letting people know that a new election bill is on the docket, and we're in town. That's your evening, and then the next morning you wake up and repeat. You travel in the morning, you get to the next place, and you do the same thing.

I'll just throw out some places, because that's what you asked for. Part of this is just the logistics of travelling around this country. It may be more fun to go to Charlottetown, but getting in and out is way more difficult than Halifax. Halifax is the regional hub. That's where flights come and go, and it has connecting flights right to Montreal. That would be my second suggestion, Montreal or Quebec City, probably Montreal. I think Scott makes a fine point about Toronto being the capital. There's a number of witnesses that we have, and I think the Liberals as well, who are based in Toronto, so that would help your second question.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): I would recommend Kingston.

Mr. Nathan Cullen: This time of year, it's beautiful.

Mr. Scott Reid: [*Inaudible—Editor*] substantial airport in there that had direct connections to Halifax and Montreal, that would be awesome. Maybe it's a project we could work on.

Mr. Nathan Cullen: We'll have to work on that between now and next week.

I think when you get into the Prairies, it could answer the question about rural. If you land in Winnipeg or land in Regina or Saskatoon, you can get to a pretty rural setting pretty quickly. My experience was that folks were very appreciative of us stepping out of the city and going to see them. We did Leduc last time out of Edmonton. It's kind of fake rural. Leduc is where the airport was. We cheated. Then in British Columbia, Vancouver was suggested, and I agree with that. There are a number of very active and vibrant first nation communities either within the city limits or right near the city limits, but they're their own communities. They just happen to be in Vancouver, so that could be a way to...and I agree, Victoria adds a logistical leap that would make it difficult especially if you're coming out of the Prairies to get there.

That's all I wanted to say.

● (1835)

The Chair: We'll have Mr. Reid, and then Mr. Bittle.

Mr. Scott Reid: I'll let you go to Mr. Bittle first because I forgot what my point is. Maybe my mind will be jogged by what will no doubt be very insightful remarks.

Mr. Chris Bittle: You were so inspired by the thought of going to eastern Ontario that we are—

Mr. Scott Reid: We are actually in eastern Ontario even as we speak.

Mr. Chris Bittle: Well, closer to home.

Anyway, just to perhaps assist with the logistical difficulties if we're running into issues where we're going to, let's say, Montreal or Quebec City, and we're having a difficult time finding those witnesses, it could just be converted into a town hall and we can accept the evidence. It doesn't necessarily have to be as formal as a public hearing like we have right now, and perhaps to assist with the travel across the country and to make this an easier plan it should be an option that would be out there.

Mr. Andy Fillmore (Halifax, Lib.): Could I comment on that?

The Chair: Yes.

Mr. Andy Fillmore: Thank you, Chair. I normally try not to speak, but it's just to add a little more clarity there.

Social media would work in that case. It's much simpler to get a roomful of people through social media than a small room of 10 people through methodical appointments working with and comparing calendars and finding the slots that are available and so forth. I'm wondering if the clerk would have an opinion on whether it is easier just to plan around town halls versus planning a trip around public hearings. Then I suppose if there was a fervent desire to have witness testimony on the record, maybe we take one of the days and have witnesses dial in via teleconference to the committee room here in Ottawa to nail some testimony on the record.

There are some other thoughts.

Mr. Nathan Cullen: We did some combo days. We had days in the ERRE process where we had places that were a little less on the expert side of things because we only had an hour, and then people showed up to watch it. Then we just left the mike on and people came to the mike for two minutes each, and that was part of the witness testimony for electoral reform.

I don't think you'd get four or six hours of expert testimony if you're in Saskatoon...maybe, but you'd be digging deep.

The Chair: For some of the rural people, let's say you're in Saskatoon or Calgary, can you invite some particular rural people to come to that meeting as opposed to...?

Mr. Nathan Cullen: I think we should be creative in this and even talk to people who have worked elections, people who have run the local rural election posts for the last 30 years. You can ask them, these are the proposed changes the government wants or that the government is proposing, how is it going to work in the real world? You can talk to a lot of professors, and they're all great and wonderful people, but....

The Chair: Mr. Simms.

Mr. Scott Simms: Yes, I would have some concerns about getting a rural aspect over if we're just going to land in somewhere like Regina and drive just outside. Maybe it's similar to the Leduc situation, but a suburb is different in many senses. If we're going to start talking about the rural impact of voter information cards, in my riding there are 130 or something towns, and the largest town is only 1,300 people. I'm not saying all my riding, don't get me wrong. I'm sure the Knights of Columbus is free, but nevertheless, I think maybe we should, if we're going somewhere like Regina or just outside of Regina, look to bring someone in from further away to get that rural part of it. I don't think we can actually go to a truly rural area given the time frame, but you can certainly call in people from outside. If it's Toronto, even somewhere around Mr. Shipley's area would be good too. If you call them into a central spot, that would be great.

The Chair: It's certainly cheaper to bring four people from some rural community into a big city than to take our whole committee and all the equipment that goes with it out there.

Mr. Nathan Cullen: If you land in Winnipeg and you go to Portage.... I'm just telling you what we did in the past. I sympathize with what Scott is saying, but really, we just jumped on a bus and we were there in an hour. Sometimes if you fly to into Toronto and you bus from the airport to wherever your meeting is, it will be an hour and a half. Now you're in Portage, which would probably call itself relatively rural....

● (1840)

Mr. Scott Reid: I know what Scott is getting at. There really is a distinction. I'm using my riding as an example because I know it better. People living just outside of Carleton Place in the east end of my riding commute into Kanata to go to work during the day and are back in less than an hour's commute. When you go half an hour west of there, to the town of Perth, where I live, it's not so easy. I have to stay in Ottawa at times. To get to an event in the west end of my riding last weekend, it was another hour's drive.

Also, there are no local services there, and finding a public building in which to have a polling station is a significant issue. If there is an issue where Elections Canada can't use a building because it doesn't conform with rules about access for disabled people, they wind up not having an advance poll. It's the kind of problem you would only meet there, but as well, how would we have a meeting there and get enough people out so we could hear what they have to say? I don't know how to square that circle. I just know that Scott is raising a point that so far we don't have a solution to.

The Chair: Except for bringing the people in....

Mr. Scott Reid: Yes, or maybe identifying people who have raised issues like this who could be contacted and asked to telephone in or something. Yes, maybe that would be the answer.

The Chair: Mr. Bittle.

Mr. Chris Bittle: Perhaps this is a good time to ask the clerk about this. In terms of what we've outlined in regard to Halifax, Montreal, Toronto, Winnipeg or thereabouts, and Vancouver, is that something that can be put together in the timeline that's being proposed?

The Clerk: I think that if that's the desire of the committee we will make sure it works. We will put it together—

Mr. Nathan Cullen: That's the spirit.

The Clerk: —but I can't guarantee that we won't run into any problems along the way.

Mr. Chris Bittle: If I can, perhaps, since this is something that needs to get done and we have to get moving forward, are there any...?

Mr. Nathan Cullen: Perhaps as committee members start to look through their witness lists and realize that we're shy on Vancouver witnesses, that's also a way to slot your witnesses together. If you say that we're going to have a meeting in Halifax and it changes, and we're hoping to have at least a couple of witnesses from each party's suggestion list, that's something we can do. We just simply contact people in Halifax and ask who is great at this stuff.

The Chair: Blake.

Mr. Blake Richards: I have a couple of things.

The first one goes back to this discussion about rural communities. I really think that what Nathan first suggested, wherever it might end up being—and I'll get to that in a second—whether it be in Regina, Winnipeg, or Calgary, wherever it is, you can land there and you can be somewhere pretty rural in an hour's drive.

I really do think that we should try to make sure to include a rural perspective in this somehow. I really think that bringing a few people into the city from some rural area is not necessarily going to accomplish that as well as going to the community itself. That's partly because if we start to talk about this idea of maybe going to more of a town hall situation and you bring in a few people, their voices just get swamped by the other things that are being brought up. I think we really should look at one of these stops, at least, being one where we visit a rural community.

The other thing I would say is that—I think this would make the clerk's job somewhat easier—other than our prescribing that it's going to be somewhere near Winnipeg or somewhere near Regina.... We have three provinces there—Manitoba, Saskatchewan, and Alberta—and we're going to skip over two of the three, which is unfortunate to say the least, but that's the decision that's being made here, apparently. In order to do this in the easiest way logistically for the clerk, why don't we say that we'd be comfortable with flying into any of the major cities in those three provinces? Based on a flight schedule—getting from Toronto, which is where we would be coming from, and then to Vancouver, where we would be leaving next—logistically that just gives him more possibilities that he can deal with in terms of the flight scheduling and all the rest, so that he has some flexibility. That makes it a little easier.

This is going to be a very difficult job for him as it is. I'd like to try to make it as easy for him as possible.

Frankly, we can get that perspective in any one of those three, four, or five places, however many there are that we can fly into directly. I would think that certainly Regina, Winnipeg, and Calgary would qualify, and probably Edmonton too, and maybe Saskatoon, but I don't know. Whatever they might be, though, I just think we should be giving him the flexibility to logistically deal with it that way. Then we could look at a community that would have a hall that would be sufficient for interpretive booths and all that, a community that is an hour outside one of those places. Some of us who are from those areas.... I know Alberta pretty well, and I know Saskatchewan to some degree too. I'm sure others know of some of these other places. You could draw on that as well for suggestions on communities that we could look at.

● (1845)

The Chair: Do we have agreement for Halifax, Montreal, Toronto, Vancouver, and one of—it's up to the clerk for travel, with flights and everything—Calgary, Edmonton, Regina, Saskatoon, or Winnipeg, based on what's available?

Are you saying for every single province, have a rural...or is it just one?

Mr. Nathan Cullen: My assumption was just one.

The Chair: That will be easy enough.

Mr. Nathan Cullen: This is all so clipped.

You have to say let's identify a typical rural scenario that's convenient to the airport, and something we can make happen.

The Chair: One rural one I think is easily doable.

An hon. member: Portage isn't that rural.

Mr. Nathan Cullen: Come on, it's 10,000 people.

Mr. Blake Richards: Rather than starting to get into saying it has to be Portage...because now we're getting back into where we're making it logistically more difficult.

We authorize the clerk to say he's going to find what flight schedules work the best. Once you've picked which one of the cities you're going to fly into, I'm sure people can help, if need be. As I mentioned, I can certainly help with Alberta, and to some degree with Saskatchewan. I have someone on staff who is originally from Manitoba, and they can help pick a community there. I'm sure others can do the same. Let them choose a city to fly into first, and then we can figure that out.

The Chair: Okay, so we have five cities, and one rural community. We'll start first thing Monday morning. We'll get—

Mr. Andy Fillmore: We have five days to work with, so it has to be four and one, I believe, four cities and one rural.

Mr. Nathan Cullen: Halifax, Montreal, Toronto....

The Chair: The clerk thinks that of those five prairie cities that would be the rural one, and we wouldn't be meeting in the city.

Mr. Nathan Cullen: That's the suggestion right now.

The Chair: Toronto, Montreal, Halifax, Vancouver, plus a rural community in the Prairies that the chair can find that would work logistically.

Is that good for what you need for your budget?

The Clerk: One more thing, it might be helpful if the chair had some discretion, if between now and tomorrow we see that Halifax has an issue getting in, or getting hotel rooms, the chair could deviate from this plan and perhaps go to Moncton or Saint John.

Mr. Blake Richards: The other option you have, just because of flight logistics, is that you could additionally do a rural community in Nova Scotia. You would end up getting two rural communities, if that becomes a problem.

Mr. Scott Reid: Another possibility that might make more sense is to go to a rural community near Ottawa. It doesn't have to be tied into our flights, and there are a number of really lovely rural communities nearby, one of which I live in.

I say that not just to promote my riding but to make the point that it might resolve the logistical issue.

The Chair: Or David Graham's riding....

Mr. Scott Reid: Yes, it's not that close, but you're right. It's definitely rural.

The Chair: Nathan, what's that first nation that's just down the bay, on the way to Whistler from Vancouver?

Mr. Nathan Cullen: It's Squamish.

The Chair: Would that be a good one to invite to come to the Vancouver meeting?

Mr. Nathan Cullen: Yes, the Squamish come down all the time. You have some very strong first nations, Musqueam, Tsleil-Waututh, on the north shore within a cab ride of Vancouver.

The Chair: Do you want to give a list to the clerk?

Mr. Nathan Cullen: Yes, I'll relay it to the clerk; whatever you like.

The Chair: We'll include the first nation in the Vancouver meeting.

Mr. Nathan Cullen: Distance-wise, it would probably be one of the closest. In terms of political coherence, these are some of the stronger nations on the west coast, for sure.

● (1850)

Mr. Andy Fillmore: We need to be able to show a budget to the subcommittee on committee budgets of the Liaison Committee tomorrow.

The Clerk: My plan is to prepare a budget in time for tomorrow's PROC meeting, based on our discussion this evening.

My question goes back to what Mr. Cullen asked at the beginning: what does a day look like for the committee? Is it a public meeting, this style, with witnesses? Is it open mike, or is it some of both?

Mr. Nathan Cullen: It should be some combination.

If you go to a place like Toronto, you're going to have lots of expertise that you can draw on; maybe in other places, it would be less so. I think it's having some flexibility to do both, and I think the committee would benefit from both.

If we do five days and all we hear from are people who work in a university, that's fine but not exactly comprehensive in terms of our election laws.

The Chair: What did we do about the youth in this plan?

Mr. Nathan Cullen: It doesn't sound like we touched on it, but holding it on a campus is interesting.

Mr. Scott Simms: Queen's University would be great.

Mr. Nathan Cullen: It's too expensive.

The Chair: Andy.

Mr. Andy Fillmore: Thank you.

The benefit of the town halls is that social media invitations work. We're getting into an area of my expertise in my previous life, public engagement planning. The nice thing about it also is that witnesses essentially get morphed into becoming invitees. If we want to hear specifically from invitees in that way, perhaps, if they're willing, we could put them on a panel at the front of the room.

These are always expedited planning events. The more flexibility obviously, the more quickly it can be done. We could also involve youth in that way as well, through town halls.

I think we're on the right track with providing the clerk with enough flexibility to come up with something that could work.

The Chair: I suppose if we fly in the morning, we could have a meeting in the afternoon at a university, and a open public meeting in the evening.

Mr. Nathan Cullen: You break for an hour for dinner, move around, and then.... Usually if you're doing anything public, turnout is much better after six or seven o'clock than it is at five o'clock or in the day.

The Chair: Mr. Bittle.

Mr. Chris Bittle: Perhaps on the idea of flexibility, we should try to build in as much flexibility as possible on that rather than prescribing it, because it may not work doing it cookie cutter for each one.

Ideally perhaps this is what we want to see, but it may be, for the purpose of travel—to get from point A to point B—that there could only be a scheduled public meeting or a town hall, however it works.

I'd recommend building in as much flexibility as possible.

The Chair: Do you have enough there to build a budget?

The Clerk: Yes, I think so.

The Chair: We have Elections Canada waiting here. We should go on to that.

We'll suspend for a minute while they get organized.

● ——— (Pause) ———

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● (1855)

The Chair: Good evening and welcome back to the 106th meeting of the Standing Committee on Procedure and House Affairs as we continue our study of Bill C-76, an act to amend the Canada Elections Act and other acts and to make certain consequential amendments. We are pleased to be joined by officials from Elections Canada. Here with us again today are Stéphane Perrault, Acting Chief Electoral Officer; Michel Roussel, Deputy Chief Electoral Officer, Electoral Events and Innovation; and Anne Lawson, General Counsel and Senior Director, Legal Services.

Thank you all for being here.

I forgot to ask, but the clerk will have to know who is going to travel with the committee. The Liaison Committee has a limit of seven people. As soon as parties find out, can you let the clerk know?

Mr. Scott Reid: Fill me in here. What does it then become? I'm only worried about the Conservative side here.

The Chair: Right.

The Clerk: It would normally be four Liberals, two Conservatives, and one NDP.

Mr. Scott Reid: Okay, it's two Conservatives. That's what we needed to know. That's all we have to manage.

Thank you.

The Chair: I would just remind you that tomorrow morning we have our briefing with the independent members, with the subcommittee, and the second hour is business and discussing Mr. Richards' motion.

With regard to the Chief Electoral Officer, he was just before us recently, and a number of the things were relevant to this bill. He's not going to repeat those. He's handed them out. He's going to talk about the recommendations they have related to this bill and concentrate on those. What he's talking about is different from what he's handed out. What he's handed out, those who were here at the previous meeting have heard about already.

Monsieur Perrault, it's great to have you back again.

Ms. Lawson, it seems you're almost like part of the committee this year.

● (1900)

Mr. Stéphane Perrault (Acting Chief Electoral Officer, Elections Canada): Thank you.

The Chair: The clerk wants to know if it's okay if we append his remarks to the evidence so they will go into the evidence. I'm sure that's fine.

Some hon members: Agreed.

[*See appendix*—Remarks by Stéphane Perrault]

The Chair: Monsieur Perrault.

[*Translation*]

Mr. Stéphane Perrault: Thank you, Mr. Chair.

It's a pleasure to be back before the committee. This is a bit unusual, but I didn't want to repeat what I said on Tuesday. My remarks are now on the record, with my statement appended to the evidence. As for what I didn't talk about on Tuesday, I focus on that in the table of proposed amendments to improve the bill. That way, you will have more time to ask your questions.

I would like to start by expressing my support for this bill. I think it is an important piece of legislation that will go a long way towards modernizing the Canada Elections Act and improving the integrity of the electoral process. The bill contains some 100 of the 132 recommendations made by Elections Canada, so it's no shock, then, that we generally support the bill.

As I indicated, I'd like to speak to a few specific issues, and they appear in the table, which I will get to shortly.

Generally speaking, the two issues I feel require further examination by the committee are privacy, which we discussed last week, and the rules governing third parties.

[*English*]

The Chair: Everyone at this table should have what was just handed out. This is what he's talking about: suggested amendments to the act by Elections Canada.

Sorry, go ahead.

Mr. Stéphane Perrault: That's okay.

Again, on privacy and on third parties, these are two areas that may warrant, in my view, some further discussion and examination by the committee.

Before I get into the table, I just want to say a few words about the third party rules.

Overall, the proposals in Bill C-76 are a major improvement on the rules governing third parties. They expand the scope of the rules to include not just advertising activities but also all kinds of partisan activities. The scope is expanded. They also provide for rules that not only apply during the writ period but also the pre-writ period. They contain a number of measures to deal with foreign funding.

I want to note that there is some imbalance between the rules as they apply to third parties and parties in the pre-writ period. Parties would be limited only in their advertising expenses. Third parties would be limited in all of their partisan activities. They would have to file up to two pre-writ reports, and parties don't have to do that. I just note that. I don't have recommendations to that effect, but I did want to bring that to the attention of the committee, when you consider the overall regulatory burden on third parties.

While there are some important rules to deal with foreign funding, there is in my view a residual opening for foreign funding through third parties. There are some ways that this can be addressed. I will be making one particular recommendation in that regard.

I've not made a recommendation on the table in terms of the contribution rules to third parties. I think this is an area where there are a range of options. You need to balance Charter of Rights considerations. You need to look at the overall regulatory burden. I'm quite prepared to have a discussion on those topics with the committee, but I have not made a specific recommendation.

If you turn to the table, I'll take them in the order they appear on the table.

The first issue is a narrow but important issue. There is now in this bill a solemn declaration for voters. Voters would be required in some circumstances to say that either they are 18 or will be 18 on voting day. That's quite correct. However, they also are required to say that they are citizens or that they will be a citizen on polling day. That's something that they cannot make a declaration for. They do not know whether in fact they will become citizens on polling day. They don't control that. The ceremony has not taken place. It may not take place. My view is that certainly only citizens should be able to vote, even in the advance vote or special ballot. The oath should be amended to reflect that. Someone should not be called upon to say that they will be a citizen on polling day.

The second point is one of the issues related to foreign funding of third parties. One of the ways in which the bill improves the regime is that not only does it ban contributions made by foreign sources for the purpose of regulated activities, but it in fact bans the use of foreign funds. In some cases a third party may receive foreign funds and not be able to use them. They could have turned around and passed it on to another third party. That third party could then spend it. I would recommend that there be an anti-avoidance clause in the bill. There are other examples of such clauses in this bill, and the Canada Elections Act. That would deal with those kinds of situations where a third party is turning around and passing on foreign funds to avoid the restrictions in the act. That's an improvement that I'm recommending on the bill.

The third point relates to convention fees. The rule right now is that when a person buys a ticket to participate in a convention, the contribution that this person makes is then determined by looking at the price of the ticket minus the tangible benefits that he or she receives at the convention, such as the meals, beverages, and so forth. The bill recommends to also deduct from the ticket price a reasonable allocation of the overhead costs of doing the convention. It also allows for another individual to not only pay for that ticket but also deduct from the amount the overhead costs. The effect of that is that a wealthy person could, by buying all or most of the tickets, essentially pay for all of the party's convention costs.

● (1905)

There are number of ways to deal with that. The first way would be to simply not accept that there be a deduction of the overhead costs from the amount that constitutes a contribution. That is my preferred approach. In the alternative, one could say that this deduction only is allowable for a single ticket, not multiple tickets. It's a bit more complicated to administer. If that is not acceptable to this committee, then perhaps the law should be amended so that the party's annual return reflects the fact that a person has paid for tickets for more than one person to attend a convention, so that if a person buys a slate of tickets for a convention, that is simply reported in the annual report. At least there is some transparency in this regard.

The fourth point I want to raise is in regard to the issue of privacy that we have discussed. As I indicated last week, I am concerned by the fact that there are no minimal standards. Each party would decide which standard is appropriate for them. Perhaps more importantly, I'm concerned about the absence of oversight. On the first issue, the standards adopted by the parties in their policies should be consistent with those set out in the Personal Information Protection and Electronic Documents Act, which is usually referred to as PIPEDA, and I do believe that the Privacy Commissioner is the appropriate person to provide oversight. I have discussed this with the Privacy Commissioner and he is in agreement with that.

The fifth point that I want to raise is.... This is actually a recommendation that came from Elections Canada. It's reflected properly in the bill. It's a recommendation to deal with the possibility of disinformation in cases where there's a publication that claims to be made by a party or a candidate, but it is not. In our recommendation, we should have made an additional element to that, which is that publications, whether electronically or traditionally made, that are claimed to be by Elections Canada, but are not, should be covered by the same prohibition. That's just an expansion of that same rule to cover false Elections Canada material.

The sixth one relates to an important clause in the bill dealing with cyber-attacks. I believe that is an important issue. There is a proposal in the bill relating to the misuse of or interference with a computer. However, in order for an offence to be committed, there is a requirement to show that there was an intention to affect the result of the election. In some cases, a foreign state or a third party may wish to interfere simply to disrupt the election or simply to undermine trust in the election, so the requirement to prove an intent to change the result goes too far. I think it needs to be expanded to cover other intents, which I've just mentioned.

Finally, the last one is a really technical one. It's a transitional provision regarding the reporting obligations for candidates. There should be a clause in the bill that says that if the rules come into force midway into the campaign or after the campaign, the reporting obligation at the end of the campaign should match the substantive obligations during the campaign. That's sensible. The drafting of this clause can be improved and should be improved. There are similar clauses in the bill that we feel are better drafted in that regard and we refer to those in the table. That is strictly a technical amendment.

Thank you.

● (1910)

The Chair: We'll do at least one round and then we may go into more informal questioning of people. We'll see how we do, after the first round.

We'll start with Mr. Simms.

Mr. Scott Simms: First of all, it's good to see you again. I have a couple of questions on what you provided.

First, let's go back to the convention fees part of it again, just so I get it straight. What you're recommending is that it goes a little too far, in that it prescribes the overhead of a particular convention to be taken away from the contribution part of it. Is that correct? You're okay with the tangible benefits of this thing, like a meal served at such and such. That's included in there. I suppose the intangible stuff is the overhead.

Do you care to comment on that?

Mr. Stéphane Perrault: That's perfectly correct. It's the overhead.

A party convention is part of a party's natural activities and defraying for a party's activities normally is a contribution. That's how I see it.

I'm particularly concerned that, if a person is allowed to pay for the entire convention by buying all of the tickets. You have a single, wealthy individual, who would then be buying the party's convention, yet that would not even be reported as such.

Mr. Scott Simms: It would not be part of the campaign or election expenses; I get that.

The other one is about the unauthorized use of a computer. You're saying that it's—I'm paraphrasing here—a little too focused in its implications. Is that correct?

Mr. Stéphane Perrault: That's correct. I think that the act should contemplate situations where a person tries to interfere with the conduct of an election, a leadership contest, or a nomination contest, by interfering with a computer system.

Mr. Scott Simms: Just for the sake of generating chaos, in other words—

Mr. Stéphane Perrault: Exactly.

Mr. Scott Simms: —as opposed to it being for a specific end. Okay, I see what you're saying. Right now, in its wording, it's with regard to a certain outcome of an election.

Mr. Stéphane Perrault: It goes to changing the results. What I'm saying is that it may not be the purpose, but it may be just as nefarious to actually disrupt the election and undermine trust in the election.

I'll give you an example. If someone tries to penetrate the national register of electors and shows that they've been able to do that.... Let's say a foreign state wants to do that. That's what happened in the United States from my understanding. They penetrate, they leave a mark, and then they don't do anything. However, they've undermined trust in the integrity of the election, and that is not covered.

Mr. Scott Simms: Very quickly for my own purpose.... I have wanted to ask this for some time, and now I'm getting around to doing it. Clause 70 of the bill changes how the official list of electors is prepared. It talks about having it prepared by polling station, instead of by polling division.

For people who are watching this right now and aren't familiar with elections, we all call these lists the "bingo cards", as it were. I call them "bingo cards", "bingo sheets", whatever you want to call them.

Is that going to change here under clause 70? In other words, is it going to be a long compilation of the names for scrutineers who are in the polling stations on that day?

Mr. Stéphane Perrault: As part of the modernization effort, the act will now refer to polling stations as what was traditionally a number, in some cases, of polling divisions. That reflects that change.

● (1915)

Mr. Scott Simms: If I'm there as a scrutineer, no matter what station I'm at, I just get a full list—

Mr. Stéphane Perrault: You do get the full list.

Mr. Scott Simms: —of the polling division, instead of what was formerly the polling station.

Mr. Stéphane Perrault: Correct, except administratively, this election will continue to operate—for the regular polls—in the same old way, by polling division, because we're not going to be able to go to the new voting model at the next general election for the regular polls.

Mr. Scott Simms: So for this coming election, it will be as it was before.

Mr. Stéphane Perrault: Correct.

Mr. Scott Simms: The authorization of signatures, electronic signatures, in particular, is fairly new. I understand that it wasn't ready for the last election. Can you assure the committee that a system will be in place to receive electronic signatures for campaign documents and so on?

Mr. Stéphane Perrault: Absolutely. That is something that was done in 2014 in the legislation. We did not have time to implement the systems to facilitate electronic submission of candidate returns. That is being done as we speak, and the work is progressing well. I fully expect to have full online submission of returns at the next election.

Mr. Scott Simms: Okay, so all electronic signatures for the campaign returns will be accepted by Elections Canada this coming election.

Mr. Stéphane Perrault: Correct.

Mr. Scott Simms: Interesting.

One of the things I touched on earlier when I had the minister in was the commissioner. I want you to provide comment on the fact that now the commissioner is returning to....

I'll put my bias on the table. I think it's a good move. I thought it was a bad move to begin with. The commissioner being back in the Office of the CEO.... Obviously, the commissioner can still work closely with the Public Prosecution Service—that's available—but being back inside, housed within Elections Canada, I think, comes as a better....

Would you say that it improves the ability of the commissioner now? With this new legislation, now that administrative penalties are involved, would it also be a good thing that the commissioner is now back inside the house of Elections Canada?

Mr. Stéphane Perrault: Certainly, in terms of the legal unification of Elections Canada—it is not necessarily a physical co-location but a legal reunification—what it will facilitate is the transfer of information from Elections Canada to the commissioner in a smoother way, and that assists the commissioner.

To be quite frank, I believe there are a number of improvements in this bill that go much further in terms of assisting the commissioner. I think the administrative monetary penalties, which you mentioned —

Mr. Scott Simms: That was my next question.

Mr. Stéphane Perrault: —go a long way to provide a much more calibrated set of tools for the commissioner to intervene and the power to compel testimony as well. From an enforcement point of view, I think this is a good piece of legislation. The reunification is certainly a good thing, but it's not as significant, I would say, as these other changes.

Mr. Scott Simms: The power to compel is one. Personally, I was reading through the administrative penalties section of it and the whole reason it's compliance in this particular case is obviously that you don't have the full threat of a hammer when it's not needed. Your shop obviously feels that this is going to go a long way towards compliance, and for those who want to run afoul, it makes it a lot easier for the commissioner to get compliance.

Mr. Stéphane Perrault: That's our view, yes.

Mr. Scott Simms: Do I have more time?

The Chair: No.

Mr. Richards.

Mr. Blake Richards: The trick is, Scotty, you just don't ask.

Voices: Oh, oh!

Mr. Mark Gerretsen: That's right. Don't make eye contact.

Mr. Blake Richards: Anyway, thanks for being back with us again. It seems like it's been so long since you've been here.

Let me start with this, and we'll go to a few places. Hopefully there'll be time.

When were you first shown this legislation?

Mr. Stéphane Perrault: My officials have been working with PCO officials since last fall. I can't remember the exact date, but they have been providing technical advice, not policy advice but technical advice on the drafting. They haven't been in the drafting room as such, but they have seen various variations of the provisions and their role was to make sure there were as few errors or glitches as possible in the bill, and in fact, there are very few. I have raised a few today, but most of the things that I've raised are policy issues, really, not technical issues.

Mr. Blake Richards: Obviously, then, you were consulted, but who were you consulted by? Was it PCO? Was it the minister's office? The Prime Minister's Office? Who consulted you?

● (1920)

Mr. Stéphane Perrault: It was strictly a consultation between PCO officials and my officials, and specifically, Madam Lawson here.

Mr. Blake Richards: You mentioned that it began last fall, at least your involvement as Elections Canada began last fall. I'm wondering if you might be able to give us some insight as to why you think.... Here we are, right? We're being presented with this proposal to, in less than I think 10 days, have a full study of a 350-page bill in committee, including any amendments, clause-by-clause, and all that, but if this process began last fall, that's quite some time.

Do you have any sense that you would be able to share with us as to why this has taken so long to come before the House of Commons and why we're now rushed? Was that length of time needed?

Mr. Stéphane Perrault: It would be pure speculation on my part to go there. All I know is—

Mr. Blake Richards: I appreciate that, but it would be good to get your insight if you are willing.

Mr. Stéphane Perrault: I don't know how to respond to that. It's not for me to answer that question.

Mr. Blake Richards: Okay, fair enough. You can't blame me for trying, right?

In terms of the implementation, you mentioned last time you were here that you were already looking at a plan for implementing this. When did that planning begin in terms of the implementation planning for this legislation?

Mr. Stéphane Perrault: Thank you for the question, because I think there has been some misunderstanding with respect to my remarks in that area.

When the bill was introduced, we began planning for implementation work, so that was very recent. We expect that we will do some preparation over the course of the summer and the fall. Assuming it has not passed by then, we will need to do some preparation but that is very different from implementing the legislation.

Mr. Blake Richards: Understood.

Would you consider that an unusual step, though, before something is passed? Is there precedent for that?

Mr. Stéphane Perrault: I think that's the word that I used the last time I was here. There sometimes is work that is done in terms of our resources with our own team, that kind of preparatory work. That's not unusual. If we need to contract, for example, to work on IT systems, that is more unusual.

Mr. Blake Richards: I guess the reason we're in that unusual circumstance...and it's hard to blame you for being in that circumstance, because you are in that circumstance and you've been put there because this took so long—and I know you don't want to speculate on why that might be. The fact is that it's beyond your control and it's beyond the control of many of us on this committee, and here we all are trying to deal with something that makes for very unusual, and frankly, very difficult circumstances. It makes it difficult for us, as legislators, to do our job properly. I think the proposal we're seeing makes it almost impossible, and I think it makes it very difficult, and maybe even darned near impossible, for you to do your job properly.

You already indicated there would be a need for some compromises, a need for some things that couldn't be properly implemented, and we had a chance to talk about that briefly when you were here before. I'll come to that in a minute to see if we can get a bit more detail on that.

When we had the officials here before you came in, we were talking about the third party regime and the foreign money. I was raising the question of the commingling with the contributions that are still possible from foreign entities prior to the pre-writ period. It was raised that it would leave Elections Canada with the ability to conduct an audit of that. I was asking at that time—and you might be able to give me a bit more clarity on this—what you think would be a reasonable barrier to trigger an audit in those scenarios. What would Elections Canada determine to be an appropriate barrier that would give you concern about that commingling occurring so that you would, therefore, conduct an audit?

Second to that, is there some way we could amend the legislation to be more helpful in this regard?

Mr. Stéphane Perrault: I'll start with the second point and come back to the first one.

I have made a recommendation. I do believe it would be preferable to have a clear anti-avoidance clause to deal with situations where an entity deliberately reaches out...or is offered money from a foreign source so that they can cover their regular expenses and then liberate some funds for the third party regulated activities. If that's the intent, if that's getting around the rules, then there should be a clear clause to that effect.

That would be an improvement.

● (1925)

Mr. Blake Richards: Let me just ask you, any time there is foreign funding that comes through one of these organizations, could there not be at least a suspicion of that occurring? In fact, if they're receiving money to use for something else, whether it's one of those wink-wink situations—hey, use this for something else so you can use that for the election—or whether it isn't, it still enables that to happen. Have you thought about whether it would be advisable to suggest just not allowing foreign funding, period? That would avoid having to try to determine if it was someone's intent to do that.

Mr. Stéphane Perrault: I just want to clarify one point before I answer that question.

Mr. Blake Richards: Certainly.

Mr. Stéphane Perrault: You talked about an audit. An audit is based on the information that we receive, and unless on the face of it something is screaming "foreign money", it will not be seen by an auditor. What we're really talking about is an investigation by the commissioner in those cases. It's not something that would come out in an audit.

I have not made any suggestions in terms of altering the bill to deal with contributions. This is something you may want to consider, being sensitive that there are charter issues. If the concern is foreign money, it perhaps may not be necessary to have a full contribution regime. You may consider, for example, saying that if an entity receives a certain amount of foreign contributions within a certain period of time—and it would be for Parliament to decide what the amount of time would be—that entity should not use its general revenue. It could still form a third party. It would have to fundraise and pour that money into its bank account.

There is a range of options there, and that is an area the committee may want to consider without necessarily going to a full set of contribution limits.

Mr. Blake Richards: Bottom line, what you're saying is that there are probably some options we could look at that would make this a little bit easier. I think it would even ease the burden on Elections Canada in terms of trying to sort these kinds of situations out, because this creates a situation where it does become quite difficult.

Would you agree with that characterization?

Mr. Stéphane Perrault: As I said, on an audit, unless there is a foreign address on the contribution, it's difficult to say on the face of it that it comes from a foreign source.

Mr. Blake Richards: At the end of the day what happens is that this kind of activity might occur, and maybe after the fact, we might be able to do an investigation and maybe figure out that it happened —or maybe not. Even if we were able to figure out that it happened, it would be too late because it would already have happened and would have affected the election. Is that accurate?

Mr. Stéphane Perrault: Yes. It's true of many issues around the Canada Elections Act, but I don't disagree with you.

The Chair: Thank you, Mr. Richards.

Now we'll move on to Mr. Cullen.

Mr. Nathan Cullen: I like hypotheticals in order to understand what the impact would be. Say we're in 2014 and there's a right-wing think tank that's trying to affect Canadian environmental policy. Say they receive $500,000 from the Koch brothers in the States with a clear agenda and they then spend that money in the 2015 election in Canada trying to influence voters' thinking about environmental policies or the need to have fewer of them.

Would that be something that would fall under the purview of this act or would it not be caught by that? That's direct foreign influence, obviously, by the two richest men in the world.

Mr. Stéphane Perrault: There are a number of elements. If you go back in time, you're under the current rules, not the bill.

Mr. Nathan Cullen: Yes, I know, but if we applied the rules that are being proposed here, would that be caught?

Mr. Stéphane Perrault: I'll show you how the rules improve the catching of that type of transaction.

Currently, a third party cannot seek funding from a foreign source for the purpose of third party regulated activities. Under the bill, they cannot use foreign funds for the purpose of their activities. If that entity is largely funded by a foreign source, as in your example, it would be very difficult for that third party to justify it.

Mr. Nathan Cullen: I don't know what the Fraser Institute's annual budget is, but it's not $500,000. It's more than that. Then suddenly we're seeing these things: let's deregulate the environmental conditions on pipelines, an ad campaign directing people to vote a certain way. You at Elections Canada ask, "Hmm, how is the Fraser Institute operating right now?" They say, "We have a $2.5 million or $3 million budget; we're just using funds raised in Canada." Would you not require the CRA or someone to help you understand actually how the organization works?

Mr. Stéphane Perrault: No. That would be doing an investigation. We would do an audit. We'd look at their contributions and they would say this is general revenue.

Mr. Nathan Cullen: That's right.

Mr. Stéphane Perrault: If there was suspicion that this is really money directed by a foreign entity, the commissioner could investigate that.

● (1930)

Mr. Nathan Cullen: Yes, but to prove what?

Mr. Stéphane Perrault: If we at least have an anti-avoidance rule to show that in fact there was some form of collusion—

Mr. Nathan Cullen: As the bill is right now, we don't have an anti-avoidance rule.

Mr. Stéphane Perrault: No, we don't. I think it should be added to the bill.

Mr. Nathan Cullen: That feels like a loophole. In 2019, or 2018 leading into 2019, the Fraser Institute could also take $500,000 from the Koch brothers on a very specific set of policies they're looking to push into the election, into the minds of voters. You launch your investigation, but they say, "This less than one fifth of our funding; we didn't use any of that $500,000 on any of the brochures or the ads that we ran."

Mr. Stéphane Perrault: Correct.

Mr. Nathan Cullen: Are they guilty of anything? Can they do that?

Mr. Stéphane Perrault: Every fact situation is unique, but it would be preferable to have a clear anti-avoidance rule. There is one in the bill for spending, but there isn't one on the contribution side and on the funding side.

Mr. Nathan Cullen: We should get all foreign influence out of Canadian elections. I join my Conservative colleagues and friends in looking to making the playing field actually level. By the way, CAPP is going to run into all sorts of issues if we actually do this.

Let's look at the convention loophole. I don't understand it. Under this bill, a very wealthy person could come in and pay for a leadership convention outright.

Mr. Stéphane Perrault: If the price of the ticket is such as to cover basically just the cost of running the convention, and my understanding is that this is often the case, that there's not much money made out of party conventions—

Mr. Nathan Cullen: Conventions are usually money losers for parties, at least for us.

Mr. Stéphane Perrault: —in that case, as long as the overhead exceeds or is not greater than the cost of the tickets, an individual, a wealthy person, could buy all the tickets.

Mr. Nathan Cullen: That person could buy every ticket to a convention and pay for it outright.

Mr. Stéphane Perrault: Correct. That's my concern, that a party convention is a party activity, and funding for party activities—

Mr. Nathan Cullen: That's not the case right now, though. That would be new.

Mr. Stéphane Perrault: That would be new.

Mr. Nathan Cullen: Okay. I'm trying to understand where this came from. Does that not seem like a massive loop around the restrictions on what an individual can donate to parties?

We all face limits. Rich people can't come in and just drop $1 million on a party. We have laws against that. However, if the convention costs $1 million and they pay for it by buying 3,000 tickets at whatever price....

Mr. Stéphane Perrault: I think where it comes from is if you compare that with the ticketed fundraisers.

Mr. Nathan Cullen: Yes.

Mr. Stéphane Perrault: In our interpretation of the act over the years, we've accepted that part of the tangible benefits that people receive is the venue. When you go to a restaurant, it's not just the plate; it's also the venue.

We have not accepted that for conventions because a convention is a party activity. It's doing the party's policy. That is our interpretation.

Mr. Nathan Cullen: Yes, because there's no benefit in just hanging out at the Halifax Convention Centre for a weekend.

It's not something people seek to do for part of their vacation, to hang around a convention centre.

Mr. Mark Gerretsen: To each his own.

Mr. Nathan Cullen: You guys have a strange way to party.

I just don't understand why that would be contemplated. I've never—

Mr. Stéphane Perrault: To be quite frank, I'm not saying that what was contemplated is the loophole that I've identified.

Mr. Nathan Cullen: But this is what the effect is.

Mr. Stéphane Perrault: In the worst-case scenario, it's what the effect could be.

I'm saying that there has to be a way to at least preserve against the worst-case scenario. I'm offering a number of ways of doing that, some of which I think achieve what was intended by the bill. At least by providing a limit to it, we're providing some transparency.

Mr. Nathan Cullen: On privacy, there is no minimum standard for the parties to achieve.

Mr. Stéphane Perrault: On the privacy side.

Mr. Nathan Cullen: I asked the minister about the collection of data and whether there is a minimum standard. They said they're going to make the parties put their policy up on their websites, where you have to click seven times to find it, and that's good enough.

There's no enforcement, so if the parties breach some of our privacy laws.... We're not subject to any privacy laws, are we?

Mr. Stéphane Perrault: That's correct.

Mr. Nathan Cullen: None...?

Mr. Stéphane Perrault: None whatever, no.

Mr. Nathan Cullen: It's the wild west.

Mr. Stéphane Perrault: There are some limitations in the act on the use of the information provided by Elections Canada, but as we've discussed it's very limited.

Mr. Nathan Cullen: Beyond that, with regard to parties harvesting individuals' data off of social media websites, buying catalogue subscriptions, all of that, there are no limits on what a party does with all of that data on Canadians.

Mr. Stéphane Perrault: Not on the party side. There may be on the other entities' transaction side, but not on the party's side.

Mr. Nathan Cullen: Yes, but apparently some of the social media giants don't necessarily always follow that.

There's an arm's race when it comes to data. People couldn't have even imagined Cambridge Analytica seven years ago, and they may have helped sway an election or two.

Does this bill properly face the threats that data mining and data manipulation have on our elections?

Mr. Stéphane Perrault: In my view—and I've made this recommendation—the bill should go further in establishing minimum standards and providing oversight.

● (1935)

Mr. Nathan Cullen: And PIPEDA...?

Mr. Stéphane Perrault: Yes, I think those standards at least reflect broadly those—

Mr. Nathan Cullen: And enforcement through the Privacy Commissioner.

Mr. Stéphane Perrault: That's correct.

Mr. Nathan Cullen: With fines.

Mr. Stéphane Perrault: With the set of tools that he has already. I don't believe he has fines.

Mr. Nathan Cullen: I'll work on that too.

The Chair: Thank you.

Now we'll go to Mr. Bittle.

Mr. Chris Bittle: Thank you so much, Mr. Chair.

Thanks you again for coming back.

I know there's been some discussion in question period around it, but can you briefly discuss the independence of Elections Canada and make clear its independence vis-à-vis the Government of Canada?

Mr. Stéphane Perrault: Absolutely.

I think there are two aspects of this independence that are at issue in a way in this context. One is on the policy side. Our policy advice is provided through this committee, and the work we do with the government in terms of the bill is on the technical side. It's very valuable, but it's technical work.

In terms of the implementation, we are masters of what we decide. Nobody can order us to do implementation work, and nobody has even suggested that. That's part of the risk management that I'm responsible for, to make sure we are ready to conduct the election, either on the current set of rules or on a set of rules as they may evolve as we get closer to the election.

Mr. Chris Bittle: You talked about entities engaging in other election systems in terms of undermining the integrity. Perhaps there isn't any change to the data, but it undermines the integrity. That's a problem across the board, and we're seeing that in western democracies.

Similarly, is it dangerous to have elected members of Parliament questioning the independence of Elections Canada and its role in providing for our elections?

Mr. Stéphane Perrault: If elected members have a concern about the independence, they should feel free to clarify that point. I'm happy to clarify that there is no issue of independence here.

Mr. Chris Bittle: If I can go back to your recommendations in terms of privacy principles, we talked about PIPEDA and your requirements. What would this look like?

It's one good thing to say that privacy should be protected, and that's something everyone agrees on, but, nuts and bolts, what does that look like for a party official or party volunteer?

Mr. Stéphane Perrault: I think the bill could provide that the policy of the party must abide by certain standards, such as those found in PIPEDA. We can examine those and provide guidance to the parties ahead of time as to what these standards are.

I'm not sure I'm answering the question. Is that what you're getting at in terms of the specific amendments I'm proposing to this bill?

Mr. Chris Bittle: Yes.

Mr. Stéphane Perrault: In terms of the policy, we can come back with some more details. My notes here are fairly general, and I would be happy, if the committee wants to have some more detailed recommendations, to do that, but essentially I would be working with the Privacy Commissioner in that regard. We could provide some language to ensure the policies are reflective of the basic standards that you normally find in privacy legislation. We could also provide some language with regard to the oversight role of the Privacy Commissioner.

Mr. Chris Bittle: I would appreciate more detail on that point, because sometimes we get into—and it's a good intention and it's coming up with policies—that it's one thing to apply it to a party official who's working at the party headquarters but it's another thing for a party volunteer who's working on a local campaign. Have you taken that into account? Even the difference between a Liberal in St. Catharines who is working on a campaign that's well funded and for which there are lots of volunteers versus a Liberal in rural Alberta where there may be just a couple of people—or one; I was being generous with two—trying to put together... There are differences between volunteers in terms of their quality and quantity.

Are those being taken into account when we're talking about requirements to abide by federal privacy legislation?

Mr. Stéphane Perrault: I think that's a very important point. I think we have to be careful not to put everybody in the same situation. I don't think local campaigns are in the same category as parties. They don't amass large amounts of information. Over time, they don't accumulate that information. They don't do the same kind of work in terms of fundraising the same way that parties do. We have to recognize that local campaigns are run largely by volunteers, so I am not proposing that this bill be amended in a way to deal with candidates' campaigns. I think the important point and I think what Canadians expect is that the party databases, which are quite significant, should be subject to some standards and they should be accountable to those standards.

● (1940)

Mr. Chris Bittle: In addition to Bill C-76 provisions aiming to prevent misinformation in advertising, is Elections Canada taking any proactive measures to prevent bots and other malicious media manipulators that could impact elections?

Mr. Stéphane Perrault: Certainly in our case our number one priority is to make sure there is neither misinformation nor disinformation with respect to where, how, and when to register and to vote. One of the measures we are taking is that we will have a repertoire of all of our public communications on that subject, so if somebody is concerned that they are receiving information that they are not sure is from Elections Canada, they can verify against the repertoire to make sure it is, in fact, a communications from Elections Canada. Parties certainly can do the same thing. They can ensure that their communications, if they wish, are listed in a way that people can check.

Mr. Chris Bittle: I have a very quick question. I know I'm running out of time.

Is there a tool within Elections Canada's tool box—so if you can't beat 'em, join 'em—a positive bot that Elections Canada could employ to go out and fight the negativity and potential foreign interference? If it can be used against us, can it be used to assist Elections Canada in ensuring fairness?

Mr. Stéphane Perrault: It's certainly the case that not all bots are dangerous. There are some positive uses for bots. I have not explored the possibilities of those positive bots in terms of fighting misinformation, but perhaps that is something we can explore.

Mr. Chris Bittle: Thank you.

The Chair: Thank you.

Now we will go to Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chair.

Mr. Perrault, did you get a chance to watch or listen to the minister's testimony from earlier today?

Mr. Stéphane Perrault: I heard most of it.

Mr. Scott Reid: Did you have a chance to hear the part where she and I had a discussion about provisional balloting?

Mr. Stéphane Perrault: I did.

Mr. Scott Reid: Okay. In there she expressed concern that the concept of provisional balloting—which I don't have to describe to you, because you're familiar with how it works—had been left out of the legislation because of a concern for dignity. I expressed complete puzzlement. If I turn up at a poll and I've forgotten my wallet at home and have to put my ballot into an envelope so they can confirm that I actually am who I claim to be, I can't figure out how that affronts my dignity.

I promised I would bring it up with you. I want to ask you what your view is on the subject.

Mr. Stéphane Perrault: I think in terms of provisional ballots, the issue we have to keep in mind is...and I know it's something that exists in various jurisdictions and it's used for different purposes. In some jurisdictions it's used, for example, if there's no polling day registration. If you vote on polling day without being registered, then your ballot is treated as a provisional ballot. That makes sense for those jurisdictions that do not have polling day registration.

In our case, the issue seems to be more around voter identification, if I understand your question. I'm not quite sure how the provisional ballot would assist us in that context. A provisional ballot is a complex procedure. Voters who have a problem proving their address would have to come back at some point to the returning office. In rural areas, this may be some distance.

Mr. Scott Reid: Sorry, Mr. Perrault, if you don't mind my saying so, with regard to that, you can structure it so that they don't have to do that. It could very well be that it's up to the local returning officer to do the work of following up and making sure people live where they say they do and so on.

Mr. Stéphane Perrault: That raises the question of, if documentary proof of address is not available, how it would be available later on and whether the work on the returning officer would delay the count of the vote and the result.

I must say, I do have some reservation. Until I see clearly how this would assist in resolving the issues that we find in terms of more identification, I'm not eager to go down that road. I must confess, it may be that I'm missing something about how these procedures could be of assistance.

Mr. Scott Reid: You indicated to us earlier that you were consulted as far back as last autumn on the bill. I wanted to ask, with relation to—I think you said last autumn—the foreign funding for third parties. How long ago were you consulted about that?

● (1945)

Mr. Stéphane Perrault: That, I believe, was just very recently. I don't have a date on that, but that was.... My counsel advises that it must have been around Christmas.

Ms. Anne Lawson (General Counsel and Senior Director, Legal Services, Elections Canada): I honestly can't remember. That did come in later, but it was possibly before Christmas, but I honestly can't remember.

Mr. Scott Reid: Can you get back to us on that?

Ms. Anne Lawson: Okay.

Mr. Scott Reid: Thank you.

You've made a number of suggestions regarding proposed amendments to various sections of the bill including the foreign funding for third parties. I'll just make the assumption that you were consulted, but you did not actually get to see anything that is really close to the final draft until either some time shortly before it came out or perhaps at the time that it was made public to Parliament. Does that seem correct?

Mr. Stéphane Perrault: I've seen various iterations of that bill, so again, the time is a bit fuzzy. I must say that in terms of my suggestions today, some of them are more on the policy side, and I think it's more appropriate for me to make those recommendations to this committee than to the government. On the government side, it's more of a technical.... Some are technical, and in some cases, we may have raised them. We did raise many and they had addressed many. I think those consultations were very useful. In some cases, we failed to raise them. In other cases, we raised them, and for some reason, they were not retained. I don't know why.

Mr. Scott Reid: Okay.

I assume at this point you are looking for the committee or perhaps the government via the parliamentary secretary and representation that it has on this committee to make amendments to address essentially the advice you give us here vis-à-vis proposed amendments.

I assume that's all you're planning on giving us, or were you planning on giving us actual draft, new sections, to put in place and correct things?

Mr. Stéphane Perrault: This is what I'm offering. I've been requested to provide more specific language on the privacy side because that language was more generic in style. The others are fairly specific, I think, in terms of what can be done. It refers to specific provisions and changes to be there, but they're not drafting language, I agree.

Mr. Scott Reid: With regard to the discussion you had on foreign funding for third parties, would the provision being added, or that you suggest to be added, to proposed sections 349.95 and 358, which are the ones mirroring the anti-circumvention provisions elsewhere in the Elections Act, I can certainly see how they would take care of some of the concerns you raised regarding foreign funding, but I'm not sure I see how they would deal with the problem that you characterize in the following words in your table: "Also, if foreign funds are specifically given to free up domestic resources of a third party so that it could conduct regulated activities, it is not clear that this would be prohibited."

I don't see how that does that, given that money is fungible. Is there a way of overcoming this problem that you can direct us towards?

Mr. Stéphane Perrault: If you're asking for an airtight regime, this is not it, I agree. This would deal with egregious attempts to deliberately circumvent the rules on foreign funding. If we're talking about just the mere fact that at some point in time some organization received foreign funding, and it still exists in some form on its balance sheet, and then they entertain to participate in the campaign, that does not deal with that. In order to deal with that, you need to go much further than what I have proposed and what the bill currently proposes, and that's where you get into difficult considerations of balancing freedom of expression and freedom of association.

My suggestion is that you may not need to go all the way to a full regime of contribution limits, but you could consider that an entity that has received a certain amount of foreign contributions—which is different from commercial revenue, for example, investment revenue —at a certain level within a certain time period, then perhaps may not be able to use general revenue.

Mr. Scott Reid: Thank you very much.

The Chair: Thank you, Scott.

Now we'll go to Ms. Tassi.

Ms. Filomena Tassi: Thank you, Mr. Chair.

Just so I understand clearly, with respect to the first amendment that you're proposing that deals with citizenship declaration, I understand the point, because passage of time is clear. We know that's going to happen, but we don't know that a ceremony is necessarily going to happen, so someone can't swear that in the event that something happens, that they don't attend the ceremony or whatever. Just so that I'm clear on the understanding of the amendment, if the amendment goes through, if you have someone who will become a Canadian citizen before election day, but is not able to vote on election day, is there any way that person would have the right to vote if this amendment were to go through?

● (1950)

Mr. Stéphane Perrault: No, if this amendment were to go through, the person would have to have become a citizen on polling day in order to vote.

Ms. Filomena Tassi: Okay.

Mr. Stéphane Perrault: The risk, if you don't go that way, is that somebody would cast a ballot, for example through a special ballot, and that person is not a citizen because the ceremony was cancelled or the person was denied citizenship on security grounds, for example, and the ballot is cast.

Ms. Filomena Tassi: Yes, I understand that. There's no other away around that. There's no other way of ensuring that person.... Can you think of another way of ensuring that person would be able to vote?

Mr. Stéphane Perrault: We've never allowed that. This is not a new policy direction for the legislation. It's simply what I feel is incorrect content in a formal declaration.

Ms. Filomena Tassi: In a declaration, that makes sense.

We've talked quite a bit about the voter information card. I'm a big supporter of that, and I realize that the voter information card is not only beneficial to seniors, who often get the attention on this, but also with respect to students. Because there's been some question about this voter information card, I'd like your comments on how you feel about this serving as a piece of identification, and also your comments on whether you've ever seen or have data that demonstrates that the voter information card is used in a fraudulent way. Third, how many people were denied the ability to vote because they didn't have the proper identification in the last election?

Mr. Stéphane Perrault: I'll start with the last one. What we do know is that, from the labour force survey done by StatsCan at the last general election or after the last general election, 172,000 Canadians could not vote because of the voter identification requirements, including 50,000 who were turned away at the polls. That's the only hard data that we have on this matter that we can affirm.

Let's be clear. The use of the voter information card at the federal level has occurred in the by-election part of 2011, and in 2011 in specific circumstances. In those circumstances, I'm not aware of any complaints or incidents of alleged fraud using the voter information card.

It's also important to note that, of all the provinces in Canada, only seven require proof of address. It is still significant, seven jurisdictions: six provinces and one territory. All of the provinces allow the voter information card as proof of address along with another piece of ID. I'm not aware of any concerns at the provincial level in that regard.

Ms. Filomena Tassi: Thank you.

At a previous appearance, you made comments about ensuring the fundamental dignity of the person who is exercising their right to vote. Can you speak a bit about why you feel it's important that Canadians are empowered to exercise their right to vote on their own?

Mr. Stéphane Perrault: The right to vote is the most fundamental expression of autonomy that we have in our political system. We hear that a lot from voters with disabilities. They want to not only vote but to vote independently. For them, it's a very important issue of dignity. That's part of their autonomy as Canadians, to be equal with others. That's not just true for people with disabilities. I think the same is true for any voter who would be required to ask somebody else's permission, or to ask somebody else to attest or vouch—it doesn't matter which procedure—to allow them to vote. If we can find ways to minimize that, we maximize the circumstances in which a person can vote independently. I think that's an important issue.

Ms. Filomena Tassi: What does C-76 do in that regard?

Mr. Stéphane Perrault: Allowing a voting information card along with another piece of ID will allow many voters, who would otherwise require vouching or attestation under the current rules, to be able to go and vote and prove their residence without the need for assistance by somebody else.

● (1955)

Ms. Filomena Tassi: With respect to the attempt of C-76 to make it easier for people to vote, particularly those with disabilities, how does the technology work if someone is voting at home? How does that happen, if they opt to vote at home because they're going to have a problem getting to the polling station?

Mr. Stéphane Perrault: Right now, the only way people can vote at home is through a special ballot. These are people who cannot vote at their polling location and they're not able to vote at home independently. Through the special ballot rules, a poll worker comes with the returning officer and administers the vote at their home, with assistance.

Ms. Filomena Tassi: Is the requirement for that a physical disability, or does it also go beyond physical disability, in Bill C-76?

Mr. Stéphane Perrault: Bill C-76 expands it beyond physical disability.

Ms. Filomena Tassi: Would it include, for example, mental health?

Mr. Stéphane Perrault: It would.

Ms. Filomena Tassi: Very good.

The Chair: You have time for one more question.

Ms. Filomena Tassi: Youth are a passion for me. I think it's critical that we get them involved in the democratic process, because we're all going to benefit from their contributions. How do you see Elections Canada using the restored education mandate if C-76 passes?

Mr. Stéphane Perrault: To be clear, the current law allows us to reach out to underage Canadians. The bill would allow us to ignore the age distinction. We would be able to reach out in high schools, or in CEGEP in Quebec, where you may find some 18-year-olds, without any worry about that. That's an improvement. It would allow us to hire youth to work at the polls. The two go hand in hand. I think the minister spoke about youth at the booth. That program was used not only in British Columbia but in other provincial jurisdictions like Nova Scotia and other jurisdictions. Every time it's been used, it's been a success. It shows young Canadians the way the system works. It makes them familiar with the system. If we can combine the recruitment of youth with civic education and preregistration, we'll now have several levers at our disposal to improve youth understanding of the importance of voting, the mechanics of voting, and getting them engaged in the process.

Ms. Filomena Tassi: Thank you.

The Chair: Thank you.

Mr. Shipley.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you very much, Chair.

I'm pleased to be here. I'm not normally on the committee, so unlike all those who have said that "It's great to see you" or "I haven't seen you" or "I just saw you lately", I've never seen you before.

Thank you for being here.

I'm trying to clarify a couple of things. We talk about transparency and creating a level playing field when it comes to political financing. I want to touch on the transparency part first.

On page four of your presentation, you talked about about how "vouching does not remove the obligation to prove identity and address, it simply provides an alternative mechanism", in which the voucher and the voter take a declaration. That is required. Then you said that they still require a piece of ID.

Mr. Stéphane Perrault: No. If that's what I said, then it's mistaken. Under the use of the voter information card as proof of address, the elector needs to have another piece of ID and needs to make sure that the voter information card has the same name on it as the other piece of ID. That is what I certainly intended to refer to.

Mr. Bev Shipley: Not a correct address, then...?

Mr. Stéphane Perrault: You have to have the address and the name on the VIC and another piece of ID with the elector's name, as well.

Mr. Bev Shipley: You gave me a stat just a minute ago. You said that 172,000 people couldn't vote because they didn't have identification for whatever reason. Can you tell me how many addresses change on that voter information card from the time it goes out until the day advance polls and voting days start?

Mr. Stéphane Perrault: If I remember correctly—and my colleague will correct me if I'm misleading the committee—there were roughly just under a million revised VICs that were issued at the last general election. These are VICs that are reissued to the elector because they've made a correction to their information during the election process.

● (2000)

Mr. Bev Shipley: When you go to the polling station, how do you correct that? First of all, you may have your hydro bill or your lease or your cheque from someplace that says this address, but your information card is different. How do you square that? Now you have two documents that don't match.

For example, when I just voted in the Ontario election I had to show proof of who I was two times. It seems to me that what we're certain about—or I am, anyway, maybe nobody else is—is, how do we know? Now we have a million people who have changed their addresses, and we're talking about 170,000 people who maybe didn't have the right to vote last time because they couldn't get the right information. Yet we know all that information is actually available if you should desire to go get it so you can have the privilege to vote in this country. I'm just trying to square the hole here.

Mr. Stéphane Perrault: I will perhaps make a few clarifications.

In Ontario, as in Quebec, there is no requirement to prove your address when you vote. There is only a requirement to prove your identity. It's the address portion that is challenging to most Canadians, not the identity portion. In Ontario and Quebec, that's not a requirement.

In the case of an elector who's changed address, and who informs Elections Canada during the revision period, they receive a revised VIC at their new address. The original VIC would have been sent to a former address. They will not have that VIC with them, so they will be using their current address VIC that they will have received at home. The fact that they have, in hand, that VIC means that they have received it and that the name on that VIC is not somebody else's name, it's their name, and it's the same name that appears on another piece of ID. At some point, I think we have to decide when enough is enough. That, to me, is sufficient proof to vote in a Canadian election.

Mr. Bev Shipley: It proves that they are Canadian to do that.

Mr. Stéphane Perrault: Pardon me?

Mr. Bev Shipley: It will prove that they are Canadian.

Mr. Stéphane Perrault: It will not prove that they are Canadian. That proof is done when they register through a declaration. That's been the system in Canada, as we don't have a documentary proof of citizenship in Canada.

Mr. Bev Shipley: Okay.

I want to move on to the next question.

As acting Chief Electoral Officer, maybe you can explain this. I'm trying to figure out the benefit to the voter and to Canadians. On third party money, foreign money coming in through a third party, can you give me the value or the advantage or the benefit that the Canadian voter gets from that?

Mr. Stéphane Perrault: I think I'll take it from another angle. There's a group that wants to participate in a Canadian election. That group has revenues from many sources over many years, so the difficulty is untangling.... In some cases, there may be, in that revenue stream, some foreign sources.

The value of the participation, of course, is the value of participation in a democratic society. What we certainly want to avoid is the case of a foreign entity funding a third party to influence the voting process. There are several measures in this bill to do that. But when you're getting into the more grey zones of the commingling of money, it's a trickier nut to crack.

Mr. Bev Shipley: I'm trying to understand that part where you say it's a benefit to society for someone who wants to invest in Canada. If Canadians are seeing the benefits of having a democratically elected government in Canada, why do we need third party and foreign money coming in? Why not just use the Canadian money that comes through our donations to parties, and we use the caps that are given, both as a party and as individuals, to each of the parties? That cuts it pretty clear, and that way we know that it's actually Canadians who are supporting the Canadian election and not foreign and third party enterprises.

Mr. Stéphane Perrault: I'm responding to your question. If I'm not, please tell me.

My point is that, as recognized in the Supreme Court of Canada, there's a value to people participating in the electoral debate, not only by voting or directly supporting political parties, but also by engaging in the political debate, which could include doing some advertising or other campaign activities in favour of one idea or another. That's been recognized in our law and our Constitution. The questions are this: how do you distinguish that from illegitimate foreign funding, what is the right balance, and when do the filters against foreign funding become so tight that you're preventing legitimate activity?

There are no easy answers. It's a matter of vetting it and funding a calibrated regime to deal with that issue.

● (2005)

The Chair: Thank you very much.

Thank you, Mr. Shipley.

Now we'll go on to Mr. Simms.

Mr. Scott Simms: Thanks again, Chair.

I'm just looking under division 3 in the legislation. It talks about third parties' bank accounts, registry of third parties, and third-party expenses returns. I see that under proposed subsection 358.1(2), the account shall be in a Canadian financial institution as defined by section 2 of the Bank Act. It talks about payments and receipts, closure of the bank account. The reporting mechanism is there. To me, this seems quite thorough and something that you would have trust in when it comes to the third parties. This to me is an essential part of this in order to track third party spending. Would I be safe in saying that?

Mr. Stéphane Perrault: It is, absolutely.

The fact, however, of having a Canadian bank account does not mean that it only includes money of Canadian origin, right?

Mr. Scott Simms: Right, so this is my question. If it's not fail-safe, it's pretty close to it. You may have touched upon this in your recommendations, but is there any way of closing any other possible loopholes there?

Mr. Stéphane Perrault: No system is fail-safe.

Mr. Scott Simms: Sure.

Mr. Stéphane Perrault: No system is watertight. We have a contribution regime, for example, for parties and candidates. It says that you can only use your own money to make a contribution. We know from incidents in the past that this is sometimes circumvented. At some point, we have to accept that the regime will not be absolutely airtight. The question is, where is the right balance? I'm saying there's no clear answer, which is why I didn't make a specific recommendation. I'm offering avenues for the committee to reflect upon this issue.

Mr. Scott Simms: Right, that's in order to close it there. I see what you're saying. Certainly, it goes a long way, especially the idea of a Canadian bank account and the registration of that.

Let's go to the return. The third party expenses return, that's proposed subsection 359(2). It says, it shall contain, "in the case of a general elections held on a day set in accordance with" a certain subsection, "a list of partisan activity". In respect of the return here, are you satisfied with the fact it's going to be partisan activity expenses, election advertising, and surveys?

Mr. Stéphane Perrault: Correct.

I think that's something I tried to point out at the outset, but I'm happy to emphasize it here. The proposed bill includes very significant improvements on the third party regime. In particular, it expands very significantly the scope of regulated activities well beyond the sole issue of advertising. So this is what you're referring to. It also has the effect of regulating foreign funding with respect to those activities.

Currently, for example, a third party can do canvassing—it's not regulated—and can solicit funds from a foreign source for canvassing activities, which is permissible under current law. That would certainly not be possible under C-76.

Mr. Scott Simms: Because of the survey clause.

Mr. Stéphane Perrault: Because of the survey and because of the partisan activities.

Mr. Scott Simms: Okay.

Mr. Stéphane Perrault: I do not want to let my suggestions regarding areas of improvements undermine the fact that there are some very significant improvements provided for in the bill in this area.

Mr. Scott Simms: Is there a part of this bill where it's only advertising that's covered, or are you satisfied with the fact that the three elements are covered here?

Mr. Stéphane Perrault: The three elements are covered, and in the context of the pre-writ period, there's a bit of a difference, and for good reason. In the pre-writ context, the advertising is only direct advertising. It's partisan advertising that says to vote for this or not to support this party. That's because third parties do all kinds of activities, and you have to be careful. It becomes very difficult to draw lines, and I think this is an example of a right balance.

Mr. Scott Simms: Does that have to do with its being issue-related?

Mr. Stéphane Perrault: Correct.

Groups that are out there that don't necessarily want to take part in the campaign but that advocate issues on a ongoing basis shouldn't have to stop just because an election is coming.

Mr. Scott Simms: Okay. I appreciate that.

Mark, do you have questions?

Mr. Mark Gerretsen: Is there still time?

The Chair: Yes.

Mr. Mark Gerretsen: You mentioned 50,000 people were turned away at the polls at the last election. Are those 50,000 people who just showed up without the proper ID, or are those 50,000 people that you have been able to identify as not having the proper ID?

● (2010)

Mr. Stéphane Perrault: This is a labour force survey by StatsCan. I don't believe that it allows that distinction. These are people who said they were turned away because they did not have the proper ID.

Mr. Mark Gerretsen: It just means they didn't have the ID on them.

Mr. Stéphane Perrault: I think it's possible that includes those numbers. Yes.

Mr. Mark Gerretsen: I'm sure this question has come up in this committee before, but are you aware of any widespread fraud that's existed from taking the voter cards and using them, other than one-off things that you may have heard of. Are you aware of any widespread activities to that effect?

Mr. Stéphane Perrault: I have two points on that. First of all, I've heard many allegations over the years. Every time Elections Canada or the commissioner has asked to see any kind of precision or any evidence to substantiate those allegations, people have never been able to provide it. None of these cases were about identification, because the voter information card was not used for identification purposes, except in 2011 for the general election, and we had no issues there with regard to the voter information card being used as a piece of ID.

Mr. Mark Gerretsen: Okay.

That's all I have, Mr. Chair.

The Chair: Thank you.

Mr. Cullen.

Mr. Nathan Cullen: I want to understand how you audit both of those questions. Do you gather any data on people coming into the polling station and then being refused the ability to vote and sent back out? Does Elections Canada gather that information?

Mr. Stéphane Perrault: So far, we have not done that.

Mr. Nathan Cullen: Have you thought about gathering that?

Mr. Stéphane Perrault: We have thought about it. The logistics of running an election are quite complex.

Mr. Nathan Cullen: That's what I imagine. If somebody walks into the polling station, they go up to the table to see their name, they're on the registry, and for whatever reason beyond that they are then unable to vote, would it be that difficult if there were a form or sheet beside the people at the front table verifying, to say they turned someone away on ID, or they turned someone away on inconvenience of the line? I think in terms of the performance of our elections, at some of our polling stations waiting is not a problem and at others we've seen people get upset and walk away. Just for the performance of the organization, I think this would be healthy.

Mr. Stéphane Perrault: I have mixed feelings about this. If you look at the last general election, at advance polls, you will remember there were significant lineups and frustrations. The poll workers work long hours with no health breaks at all, in some cases. We received complaints from electors who didn't understand why the poll worker was eating in front of them.

Mr. Nathan Cullen: Sorry, because of what?

Mr. Stéphane Perrault: They were eating in front of voters. That voter did not understand, of course, that this poll worker cannot stop in a 16-hour day, so we are very careful not to add to the burden of poll workers.

As we move forward, we have improved processes. We have longer hours for advance polls and we have support from technology. It may be more feasible to look at that. We may look at exit polls at the next election.

Mr. Nathan Cullen: Has Elections Canada ever studied what the impact would be of lowering the voting age in Canada?

Mr. Stéphane Perrault: Not that I know of. There is debate around this and arguments pro and con. That's really an issue for Parliament to decide.

Mr. Nathan Cullen: We've seen a number of provinces consider that in referenda that are held. We saw that in the U.K. recently, where under different circumstances the voting age was variable. There are assumptions made about what changing the voting age would do. I assume, when we went from 21 to 18, Elections Canada probably thought about it, or maybe not. Maybe it was just done, but I suspect not.

We often talk about youth and youth participation. It seems part of your effort is to understand voter motivation, voter behaviour. Most of the research I've seen is that, when young people vote at the first opportunity, the chance of their being lifelong voters goes up dramatically.

Mr. Stéphane Perrault: That's correct.

Mr. Nathan Cullen: Is this evidence you've seen as well, that if you miss that first opportunity—you're away or choose not to vote—the odds of your ever voting go down dramatically also?

Mr. Stéphane Perrault: That's correct. The evidence shows that people between 18 and 24 who do not vote in their first or second election have a marked difference in their voting habits later on in life. Those who do vote early tend to vote throughout their lifetimes.

● (2015)

Mr. Nathan Cullen: You talk about burdens. One of the things I've heard of, talking to financial agents who volunteer during elections and fill out sometimes onerous paperwork all for a good cause, which is making sure that money is handled properly, is that the burden of work for all our volunteers who take on that unfortunate role has gone up dramatically in the last three or four elections. Has Elections Canada looked at any ways to streamline that activity so we keep the verification there, yet don't burn out the thousands of volunteers who just try to be the financial agents for us as political actors?

Mr. Stéphane Perrault: We certainly have looked into this. There is no silver bullet there. We have made some recommendations, not necessarily endorsed either by this committee or followed through in this legislation. For example, we recommended for years not to have a requirement to have a bank account if you have a nil campaign. For some reason, there is still a requirement in the act to have a bank account, even though you're not running a financial campaign.

We have recommended a subsidy for the official agent. We believe the official agent is the one who bears the heaviest burden. For some reason, that is not in the bill. We will continue our efforts to support official agents.

Mr. Nathan Cullen: If you've made public those amendments or those suggestions you've made in the past for this committee, it would be good to have a collated version of them.

Mr. Stéphane Perrault: Sure.

Mr. Nathan Cullen: I don't know how it is for other members on the committee but when we go to seek our official financial agent, we try not to tell them what the job entails because very few people would put up their hand if they knew how many hours were about to go into the work.

Mr. Stéphane Perrault: Certainly we can compile them from the last two reports we made. This committee did endorse the subsidy for official agents. I certainly remember that.

Mr. Nathan Cullen: You made comments about disinformation—I'm not sure if it was in the act or you recommended that it be in the act—about Elections Canada's activities, if somebody is out there pretending to be Elections Canada either online or through robocalls?

Mr. Stéphane Perrault: A provision in the current legislation deals with impersonation.

The commissioner felt that the wording of that provision could be reinforced to deal with fake communication material, but this was not as clear. We supported that and made that recommendation.

Mr. Nathan Cullen: Is it in Bill C-76?

Mr. Stéphane Perrault: It is in Bill C-76.

However, what we did not recommend and should have and what we're recommending today is that it be tweaked to include documents that are presented to be from Elections Canada, not just fake partisan material but also fake—

Mr. Nathan Cullen: Are the current prohibitions on someone pretending to be the Liberal Party or the Green Party?

Mr. Stéphane Perrault: I'll try to be clearer.

The current provisions in the Canada Elections Act, not this bill, covers impersonation in general. They include impersonation of an Elections Canada official as well as a partisan impersonation. Bill C-76, pursuant to recommendations made by us, would clarify this to also cover fake communication material. Just to be clear, on fake websites, fake....

Mr. Nathan Cullen: As opposed to someone standing there saying they're from Elections Canada.

Mr. Stéphane Perrault: Exactly. That came from the commissioner.

Mr. Nathan Cullen: Did it go far enough?

Mr. Stéphane Perrault: According to the commissioner, it wasn't clear enough, and we're quite happy to support reinforcing those provisions but we should include Elections Canada in the mix.

The Chair: Thank you very much.

We'll open it up a little for interventions that are not too long. We'll go to Mr. Reid and then Mr. Richards.

Mr. Scott Reid: I'll make my intervention really short.

I assume amendments will be suggested dealing with at least some of the seven areas you've highlighted, and we'll all get to see them when they come out. After those amendments have been put out would you be willing to come back to this committee to give us your views on whether they accomplished the goals you were seeking? Would that be acceptable to you?

Mr. Stéphane Perrault: Certainly my officials or I could come and testify if necessary, if the committee wants us to. Of course, we'll testify whenever.

Mr. Scott Reid: We'll certainly move the motion to enable that on this side.

I haven't checked with anybody, but I suspect the government side would be agreeable to that as well.

Thank you.

The Chair: Mr. Richards.

Mr. Blake Richards: I will not be quite as brief as Mr. Reid. That's probably not said very often either, I don't imagine. If you feel you need to cut me off and put me back on the list again, do so.

The voter information card has come up a couple of times. There are obviously some differences of opinion among the members of this committee as to whether it's being used as a form of identification. Is it a wise move or not? Of course, you have your own viewpoint on that.

This bill authorizes you to have it used as a form of ID. If this legislation passes, would your intention be to do so?

● (2020)

Mr. Stéphane Perrault: If the legislation passes, my intention would be to authorize it after I've consulted the political parties, through the advisory committee of the political parties, to see whether there are ways we can alleviate, perhaps, some concerns that parties may have. I do want to engage the parties on how we do it. As to authorizing it, it is my intention to do that.

Mr. Blake Richards: You've certainly met a better barrier than the government has in terms of trying to work with the parties, so that's good. I'm not expecting you to comment on that, obviously.

In terms of the stuff around the expat voters, I had some conversation on this earlier with the officials. I don't know if you saw the conversations we were having there or not. I was asking a little bit about the removal of any kind of intention to return to Canada someday.

If we as a committee wanted to make an amendment around that, would you see that as something that we could easily amend? If so, how?

Mr. Stéphane Perrault: Certainly, the amendment is not difficult. I think the point was made, and I agree, that there's a limit to the enforceability of that. It's an expression of intention. The fact that someone does intend is hard to verify. Whether they do or don't return is a fact that is irrelevant, at that point. It's only relevant later on.

Mr. Blake Richards: Okay.

The other one you've probably heard, as we've raised it a number of times in question period and elsewhere. It's about ministerial travel and government announcements. Our concern is that we think that gives the governing party a bit of an advantage, because there's a new restriction in the pre-writ period on what political parties can do, but when ministerial travel and government advertising are able to be done, of course the governing party could benefit from that. We feel there's a concern that this pre-writ period is longer than the period when the government is saying they would restrict advertising. Of course, on ministerial travel there's no restriction.

If we wanted to try to look at an amendment on that, would you see...? I think there are a couple of ways it could be done. Obviously, you could try to harmonize that. It wouldn't be the elections law, I know, but it could be done within the context of this legislation, I would think, or it could be done in such a way that those could become election expenses.

I'm wondering what your thoughts are on that. Is that something that's feasible and possible? If so, would you have any advice on how we might do that, if we were seeking to do it?

Mr. Stéphane Perrault: I have a few comments. First, I think the point made earlier today was that to the extent there's an imbalance, it's on the advertising side, because there is no limit pre-writ on the parties' or MPs' travel.

On the advertising side, this is something that is captured, as you know, by a government policy. Certainly, I would welcome some harmonizing of the timelines. That's not something that perhaps should be done under the Canada Elections Act.

I do note that, if I'm not mistaken, the policy also currently requires all advertising not to be partisan. If it is not partisan, then it wouldn't be a contribution, so I'm not sure that contribution is the best angle. I think the better angle would be to harmonize the timeline, but that's something to be done within the policy.

Mr. Blake Richards: I guess what you're saying, though, is that you would like that idea of the harmonizing. You think that might be a beneficial approach.

Mr. Stéphane Perrault: Certainly, to me it would be sensible. I think it's one of the benefits of having a relatively short pre-writ limit. It allows that form of harmonization. If you were to have a much longer pre-writ spending limit, apart from the charter issues it would raise, it would also make it impossible to even contemplate no government advertising for a prolonged period.

Mr. Blake Richards: Okay.

You had talked the last time you were here about some of the compromises or the things that wouldn't be able to be implemented. I want to dig into a couple of areas specifically and ask you what changes you could undertake to actually implement prior to the next election and which ones you couldn't.

This is specifically with regard to third party spending. That's one of the areas that I have the greatest interest and concern about. Could you give us a sense as to what you think can and can't be implemented in time, based on where we're at right now? I don't know when we can reasonably expect this legislation to pass, whether it would be this spring or this fall.

Can you give us some sense of what that looks like?

● (2025)

Mr. Stéphane Perrault: In terms of the mandatory elements of the bill, not those elements that provide the CEO some discretion—the third party regime is a mandatory element—I'm quite confident that the bill will be implemented. What I said the other day and what I can repeat today is that the manner in which it's implemented may not be the long-term optimal manner.

Specifically, for example, in the case of third parties, we would like to move to a form of online transparency that goes beyond simply PDFs. You can search within a report, but you can't look at contributions, not easily, across third party reports using PDFs posted online. It's very labour-intensive.

Certainly, that's the kind of work that will not be done for this election. That does not mean that the rules will not be implemented, but certainly that after the election there will be room for improvements in the manner of their implementation.

Mr. Blake Richards: Were there any areas that you feel will go beyond even this third party regime, or any of the rest, just generally? Are there any areas that you feel you wouldn't be able to implement in the legislation? Would the compromises—I don't know how else to put it—you would have to make in the implementation create a concern? In other words, we wouldn't be meeting the expectations of the legislation as a result.

Mr. Stéphane Perrault: No, I think we will be meeting the expectations of the legislation. As I said, for the transparency side, it can be improved, but otherwise, we will be meeting the expectations.

There may be some discretionary capabilities that I would have liked to leverage, and I don't know at this point that I will. For example, in terms of advance votes, to have mobile advance polls requires relatively minor IT system changes, but because we're going to prioritize those that are mandatory, I don't know whether we'll get to it in time and whether we'll do that. We haven't had it in the past and we'd love to have it in the future, but perhaps not for this next general election.

Mr. Blake Richards: Okay. I think that gives me what I was looking for. Thanks.

The Chair: Thank you.

Is there anyone else?

Okay. Thank you very much for being here. Do you have any closing comments?

Mr. Stéphane Perrault: On the issue, perhaps Madam Lawson can respond.

Ms. Anne Lawson: Sorry, Mr. Chair, I just want to answer because it was raised earlier. When we were involved in reviewing drafts of the legislation—and I did confirm with some colleagues—we signed confidentiality agreements. I don't want to get into what we saw when, but basically the bulk of what we saw was before Christmas, to answer the earlier question.

The Chair: Thank you very much for being here again at this late hour. I thank all the people who supported the committee today. It was a long day. Thanks to all the staff for everything.

Is there anything else for the good of the nation?

We'll see you tomorrow at 11 o'clock.

The meeting is adjourned.

Remarks by Stéphane Perrault

Remarks by Stéphane Perrault

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